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THE NEW REPUBLIC

A Journal of Politics and the Arts — March 17, 1973, 50 Cents

Piracy and Politics

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The result was the major battle at the GOP gathering in Miami Beach this past August. Reported John Osborne in *The New Republic*, "The sole issue that caused a ruckus on the convention floor got there only because the party was under the pressure of a suit brought by the Ripon Society."

The case has now been remanded to the U. S. District Court in the District of Columbia where the Society is challenging the constitutionality of the formula adopted at the 1972 convention on the grounds that it grossly discriminates against Republicans in many states.

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TRB

from Washington
March 17, 1973

Power Play

When Jay Gould cornered the gold market after the Civil War and produced the Panic of 1869 he used Abel Corbin, President Grant's brother-in-law, as a front.

When Robert Lee Vesco, 37, was squirming in the preliminaries of the largest securities fraud complaint ever filed by the Securities & Exchange Commission, he used Edward Nixon, one of the President's brothers, and Donald Nixon, 26, a nephew employed as a Vesco administrative assistant, for a little venture he had on the side.

He wanted to convey $200,000 as a token of appreciation to the Committee to Re-elect President Nixon. It was to be a sort of anonymous thank-you gift, like a coin shaken from a piggybank. The fact that he had certain difficulties with SEC, of course, had nothing to do with it.

The money arrived in a black attaché case, stuffed with $100 bills, three days after the April 7 legal deadline of the new campaign contribution disclosure law. But that was a detail, as Vesco's counsel explained; the money had been sent "constructively" within the time limit, just in the same sense you understand that when you overstay your hour at a parking meter, or fail to get your income tax in on the right day, you have been "constructively" on time and expect the authorities to be sympathetic.

The tangled Vesco mystery is like another Watergate. SEC charges it is one of history's biggest securities frauds and that Vesco gave the cash "in an attempt to influence the commission's investigation." The Vesco people are shocked at such a suspicion. *Fortune* magazine, in a fine article this month, traces the international financial operations of IOS—Investors Overseas Services—the big mutual complex that self-made Vesco daringly put together. "The Looting of IOS" it's called. Too bad that he had to drag the Nixon relatives in! He has announced that he is perfectly innocent and plans to take out Costa Rican citizenship.

Vesco knew how to play the Washington Influence Machine. He owed the Nixon administration a return favor; when a Swiss magistrate had the bad taste to throw him in the clink, John (that's John Mitchell to you, buddy, the then attorney general) put in a transatlantic call and sprang him. John did more than that. A Vesco representative came to Washington to try to talk things out with the SEC chiefs and asked the attorney general to set up a meeting. John didn't give a definite commitment at first, it seems, but after Vesco's man had dropped by and left the $200,000 at the election committee's office, John decided that it would be all right for him to meet the boys at SEC. At least that's the story told in sworn preliminary depositions for the spectacular suit which SEC decided to file anyway.

Why did they use cash, for heaven's sake? Well apparently Edward Nixon was called in to IOS headquarters and consulted about the etiquette of the affair. Nixon telephoned Washington and reportedly heard that cash was the thing. At that time, April 1972, the election committee had funds running out of its ears. A long time later *The Washington Star-News* carried a story about a "rumored $200,000 Vesco gift." That was January 26, 1973 and four days later the election committee returned the money, plus $50,000 given earlier by Vesco and properly reported. Depositions show the election committee had known about the suit for months.

Why bring up this unsavory affair now? For one thing because the President has been kicking Congress around recently, and claiming that only he, Mr. Nixon, represents the "general interest." As he told his press conference, January 31, "there is only one place in this government where somebody has to speak, not for the special interests which the Congress represents, but for the general interest."

The fact is, of course, that the White House is surrounded by special interests, chiefly affluent and powerful. Congress has to go back to the voters but the President is the most aloof Executive of modern times walled off by a staff of managers and public relations people besieged by special interests like flies round a dropped ice cream cone on a hot pavement.

Here is Dita Beard, for example, the head of the Washington lobby for billion-dollar ITT and her famous memorandum printed by Jack Anderson saying that things were going fine in their little difference with the antitrust division. "Mitchell," the memo said, "is definitely helping us, but cannot let it be known. Please destroy this, huh." ITT got its merger with the Hartford Fire Insurance Co., the largest merger in corporate history, and the head of the antitrust division suddenly got appointed to the federal bench in Chicago. ITT reportedly had promised to defray $400,000 of the GOP convention cost in San Diego.

Or take the story of the dairymen. Suddenly the Nixon administration switched position on milk price supports. Dairy interests gave the Republicans $417,000. William A. Powell, president of the Mid-American Dairymen, Inc., wrote to a member of the co-op in 1971 that the deal "added $500 to $700 million to the dairy farmers' milk checks . . . Whether we like it or not, this is the way the system works."

Where is the uproar from the public—from the newspapers? All Truman's crony Harry Vaughan got for helping friends was a deepfreeze, but it sent the nation into a tizzy of fury. Eisenhower's Sherman Adams took a vicuna coat and had to quit. These favors that the White House distributes today to powerful groups are so huge that they help create inflation, but nobody seems to care much. The Watergate affair? Ho-hum.

A curiosity is that the ones you would expect to get demerits for this get rewarded, and the good guys get punished. ITT gets its merger and the dairy lobby its price boost. If there is one defense contractor with a close intimacy to the Establishment and a miserable record on performance it is Litton Industries, but Litton's boss ends up in the supercabinet. Cost analyst Ernest Fitzgerald, on the other hand, spills the beans about the air force $2 billion cost overrun on the C5A and gets fired. Ten reporters from four news organizations ferret out Watergate and are subpoenaed for all notes and sources. If they blab nobody is going to trust them again. Does anybody care?

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One Nation, Indivisible

A decade ago the mayors were complaining, as they are today, of crushing problems and dwindling resources to deal with them. But there seemed nothing wrong that a dose of "urban renewal," the all-purpose remedy devised in the Eisenhower era, couldn't cure. Then came the riots and with them a spate of analyses climaxing in the Kerner report on violence in the cities. Pictures of slum dwellings became standard fare in slick magazines, mayors got time on "Meet the Press," Lyndon Johnson launched the war on poverty.

But toward the end of Johnson's presidency, resistance to helping "those people" was beginning to build. And the man who was to become President knew it. When the Kerner report was issued, Mr. Nixon had commented that it "blamed everyone but the rioters." Now he lumped the rioters, antiwar students, criminals and assassins into a composite enemy of a lawful society, too long permitted to flout authority out of an excess of public and parental "permissiveness." Elected to his first term without the cities or the minorities (the votes of the poor are not separately tabulated), Mr. Nixon did not move at once to cut off their federal sustenance. There was a crimp here, a veto there during the first four years, but the Great Society was left pretty much intact. The President even offered some reforms of his own. From Democratic economists he took the idea of revenue sharing as a preferred form of federal aid to states and localities over categorical grants. And from some of the most astute urban analysts, including Daniel Patrick Moynihan, he took the idea of a guaranteed annual income, although not calling it such. He carried neither idea very far. Revenue sharing as it emerged from Congress added only drops to the cities' nearly dry budgetary buckets, and indeed left some buckets drier than before—the right hand taking away more than the left hand gave. The guaranteed annual income which Mr. Nixon initially proposed would at least have sustained the poor in their poverty, but he never showed much passion for it, seeing it as a way of getting the welfare system off the taxpayers' backs. By presenting it that way, he reinforced the conviction of the non-poor that welfare in any form is a subsidy for laziness, thus making it harder for his own income plan to get through Congress and much easier for governors and others to launch welfare "crackdowns" that made poverty more demeaning than ever. As Mr. Nixon preached the work

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ethic, work was harder and harder to get, especially for the 16- to 21-year olds: 12 percent of whites and 18 percent of blacks were jobless as of October 1972—though the overall unemployment rate was 5.5 percent. The number of Americans in poverty began to rise after a decade's decline.

The President's "Southern strategy" and "suburban strategy" became indistinguishable as he defined the issues around which he would campaign in 1972: disdain for the shiftless; disdain for dissenters; opposition to "forced integration," whether by busing in the schools or the building of low-income housing in the suburbs; opposition to tax increases. Numbers were on his side, and with his impressive electoral victory, he was ready to take the offensive. The fiscal '74 budget is the opener. Every item in it, we are told, was examined on a strict cost-benefit basis. In the name of fiscal self-discipline, items that failed the test were eliminated or curtailed without regard for "sacred cows," yet somehow programs and tax loopholes serving the haves came out with barely a scratch and have-nots got mauled. That is one of the conclusions to be drawn from the examination of the budget that our associate editor, Walter Pincus, has made and on which he reports in this and next week's issues.

Take housing subsidies. For all its faults, federal housing has been responsible for whatever advance has been made over the past 30 years in sheltering the the poor. A little less than two years ago, Mr. Nixon was saying that "among the accomplishments of this administration of which I am most proud" was a record production of federally subsidized housing for low- and moderate-income families. Today he and his budgetary executioners dismiss as wasteful failures the very public housing and urban renewal programs that made this record; the President would lop them off, confident that "the hour of crisis has passed" and that "once again the business world is investing in downtown areas." Certainly there have been failures, the most recent being the inner-city homeownership programs maladministered by Mr. Nixon's Federal Housing Administration and so grievously exploited by the privateers of the lending and real estate industries, to whose mercies the budget cuts and the New Federalism will now abandon the urban poor. Without a strong federal presence in urban housing, the only progress we shall see is in the rate of decay and abandonment. It is a truism that those who have the worst housing are in the worst position to better themselves. Bank loans are not for them, even if there were sufficient housing available at prices they could pay.

One of the few positive forces on the urban scene has been a surge of communal self-help efforts, many centering upon physical improvement projects. Constructive community leaders have invested countless man-years in these endeavors, as well as their reputations and their and their neighbors' hopes. Just as many of their projects are coming close to the point of fruition, they are being snuffed out. It is small comfort to have the promise of some undefined form of future federal help from something called "special revenue sharing," Mr. Nixon's alternative to the present housing and community development programs. For that is pie in the sky—and not a very large pie: if and when the pie is divided, the mayors of the most plagued cities will find they have been given more authority only to eat less.

The basic rationale of the new budget, and a tenet of the "New Federalism" which it represents, is that "power should be returned to the people." Yes, but which people? What this latter-day populism means in practice is decentralization of federal power and functions to levels of government—state, county, city—that are least responsive to those whose needs are greatest. That point hardly needs demonstration in regard to the states, which have long been the playgrounds of private and special interests, and many of whose legislatures make the US Congress look like a model of social responsibility. But even in metropolitan America, where 70-plus percent of us live, most of the newly released power will flow to the suburbs—sanctuaries of the favored. The less well-off will remain concentrated in central cities, whose governments have neither the funds and in some instances the will to make them habitable. At the local level, the Nixonian version of "power to the people" means more power to those who have it. And those who don't will be left without federal recourse.

None of this is a defense of strangling federal bureaucracy or an argument that every urban program now on the books should be left unchanged or expanded. There are lessons in both the failures and successes of the Great Society upon which to build. But "giving the lead role back to grassroots government," as the President wants, is not a program but a cop-out. That is because, as Henry Steele Commager said recently in *The New York Times*, "civil rights, medical and hospital care, drugs and mental health and crime, the urban flight, education, unemployment—these are not local but national in impact, and they will yield only to national programs of welfare and social justice." The most powerful, efficient and equitable collector of revenues—the federal government—ought to target its aid more precisely to need, to racial desegregation, and to the reform and restructuring of state and local governments to make them more efficient and representative. Good sense requires respect for a good Republican, Theodore Roosevelt, who advised us to be "impatient of the utter confusion that results from local legislatures attempting to treat national issues as local issues . . . impatient of the impotence which springs from overdivision of governmental powers, the impotence which makes it possible for local selfishness or for legal cunning, hired by wealthy special interests, to bring national activities to a deadlock."

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Going, Going, Gone

One of the major federal programs under surgery at the moment is the Social and Rehabilitation Service of the Department of Health, Education, and Welfare. The new budget calls for about $600 million less in aid to the states in this category than was estimated several months ago, and about $2.1 billion less in authorization than the states have asked for. The cutback has been accomplished by two decisions. The first occurred last year when Congress put a limit on what state governments may receive as federal contributions to their "social services." Until 1972 such expenditures were open-ended, rapidly becoming uncontrollable. Now the maximum federal contribution has been set at $2.5 billion a year, divided among the states according to a revenue sharing formula based on population. The second part of the cutback—still a proposal—takes the form of a revised definition of social services, who may receive them, and what may be counted as the state's contribution.

In reapportioning the federal grants by mathematical formula, the government has shifted the impact away from highly urban states toward the rural: New York, for example, will receive $634 million less than it requested, and $368 million less than it spent last year. On the other hand Arizona will get $17 million more than it wants, $21 million more than it spent in 1972. In all 27 states will receive surpluses, 24 will have their requests cut back, and five—including the District of Columbia—will get less than last year. The proposed new guidelines on social services will shape the way in which states handle the necessary reductions.

Under the new regulations federal support for day care would be seriously affected. The guidelines make it "optional" for states to provide day care for parents trying to get off welfare, and in the AFDC category generally, they require only that states have services for l) family planning (birth control), 2) foster care for children and 3) prevention of child abuse. If the new rules go into effect, day care programs will be hurt by a clause that prohibits the use of private contributions as part of the state's matching grant. Many day care centers were begun when local organizers scraped together private grants which they used as "state funds" to win federal matching funds of three times the amount. This practice would be stopped, as would contributions "in-kind" of office space, equipment, labor. Families that earn more than one-and-a-third of the local welfare eligibility level would be barred from using day care and other social services. Those deemed eligible would be subject to quarterly audits.

The effect of this on child care is already calculable. In New York City, probably the worst hit by the change of rules, nearly half the mothers now using public day care may be excluded by virtue of their income. The official poverty level in New York is $3600, meaning that a family earning more than $5400 would be tossed out of federally funded services. The working poor who now use day care may suddenly find that it's more profitable to earn less, or fall back on welfare. Minnesota Senator Walter Mondale, the strongest congressional advocate of day care, has said that in his state as much as 50 percent of the people benefiting from social service grants may become ineligible. The Greater Minneapolis Day Care Association estimated that it would lose 95 percent of its business if private funds are made unacceptable as matching grants. Mondale and 45 other senators have written in protest to HEW.

It would be unseemly for the government to restrict day care for the poor, and not cut back the subsidized care it provides for its own employees. That, and the President's avowed hostility to the institution of day care, lie behind recent decisions to close down centers in federal offices. There were plans once to fund day care centers in the Departments of Agriculture and Housing and Urban Development; these have been abandoned. The child care center in the Office of Economic Opportunity—with about 52 kids—is due to close in June because OEO is closing. Two centers that operated in HEW, both undertaken as "research and development" projects, seem on their way out. The first, begun in HEW's North Building in February 1971, operates under a Social Security grant of about $167,000 and cares for 60 children of employees. The other, begun in June 1971 at the Office of Education, cares for the same number of children under the same kind of financial arrangement. Its fate is being decided this month. The Labor Department's day care center has fared better; a new contract was awarded in January to the National Capital Area Child Day Care Association to provide about $163,000 in services for employees' children under the Manpower Development and Training Act. The contract expires at the end of this year. In all cases, parents contributed according to their ability to pay—on the average, close to 15 percent of the program cost.

Dog Food is Cheap

There may be some truth to what Agriculture Secretary Earl Butz thinks about rising food prices: it is not the high cost of living that bothers us, but the cost of high living. But Butz' remark is salt in the wounds of those who find they have been priced out of the supermarket. The Labor Department's food price index rose more than two percent in January and the prediction is that February figures will be up again. Meat prices have been most affected and food shoppers, particularly those on fixed retirement incomes and the poor, have to find protein substitutes for the cuts of meat they used to buy. Lima beans and peanut

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butter, chicken wings, turkey, and ox tails are among the favorite suggestions of those willing to offer alternatives to 95-cent a pound hamburger and the 75-cent half gallon of milk. There was a story last week that a couple of college boys in Stillwater, Oklahoma had discovered that certain brands of dog food make a tasty economy meal. Eating dog food is no joke; poor people have been doing it for years.

Agricultural economists contend that no one is profiteering on rising meat costs, that the current jump in prices is the result of a number of coincidences—crop failures in Eastern Europe, Asia and the Southern Hemisphere which resulted in higher feed grain costs, a slump in cattle and hog production, the devaluation of the dollar, and a food stamp program that increased the demand for food. It is said that no one from farmer to consumer—and that includes feeders, packers, wholesalers and retailers—is cleaning up as a result, but all their costs are inevitably passed along to the shopper. This year food prices are expected to rise altogether about six percent. To combat this inflation the President has eliminated meat import quotas. Because prices are now high farm production is likely to increase. Price controls may yet be imposed. All of this may in the long run cause prices to level off or drop slightly. And in the meantime? Buying cheaper cuts of meat or looking for protein to beans and peanuts is one alternative. Another is buying cooperatives.

Using unit pricing, a service now commonly provided by chain supermarkets, is another relatively simple way to make the best buys, but what evidence there is suggests that unit pricing is poorly understood and seldom used. Esther Peterson, who was for a time the consumer affairs adviser to President Johnson, took a job when she left the government with a Washington, DC food chain, Giant Food, and has been instrumental in introducing a number of consumer oriented programs that, at the very least, build goodwill for her company. Giant labels ground meat to tell shoppers its fat content ("extra lean" has 15 percent fat, "lean" 20 percent, and "ground beef" 25). It recommends shoppers shun beef in favor of pork, chicken, ham, turkey, fish, eggs, cheese, dry beans and lentils. (Federal Reserve Board Chairman Arthur Burns also recommends cheese-eating which is odd since cheese goes for at least 99 cents a pound, and chicken and fish are experiencing large price rises too.) The company pushes its own brand (Cycle) of recycled bathroom tissue and towels, and its own nonpolluting detergents. It dates a number of perishables to prove that what it is selling is fresh; it sells milk only in paper cartons instead of plastic containers that are more polluting when they are disposed of in land fills. And Giant unit prices more than 7000 items.

Shelf tags are found throughout the stores giving the price per pound, per ounce, per count or per square foot, whatever is appropriate, of each item. Comparing the labels gives the housewife useful information about the least expensive brand or size of a product. Giant has never tested the program to see if it makes a difference in the buying behavior of its customers. ("I wish we had," said a company spokesman. "Our philosophy was that we didn't care what percentage of people used it; it was a 'right to be informed' kind of program.")

A Cornell University study, in which the Kroger supermarket chain cooperated, sought to learn whether unit pricing would influence a change in purchasing toward lower-priced items. More than 65 percent of 1584 persons interviewed said they had noticed the unit pricing labels. Better educated and higher income people were more likely to be aware. Also younger shoppers and whites were more interested than older people and blacks. But of those who noticed the pricing, 74 percent understood what it was for. Here again education and race were considered the relevant variables. Of those who understood unit pricing, only 64 percent used it. These people tended to be white and to have families including young children. Of those who used the labels, 76 percent said they saved money in so doing. These amounted to only slightly less than one-fourth of the total people in the study. About half of the people who used unit pricing said that the service caused them to switch from one brand of a product to another. A substantial majority of the 1584 "reacted to unit pricing in a positive way." That is, whether it was any use to them or not they were more kindly disposed toward the store for providing the service.

Filling Hoover's Shoes

Integrity was an FBI boast, especially integrity of the files, which were thought to be inviolate. Any unauthorized leak of bureau material was ruthlessly run down at J. Edgar Hoover's direction or in his name. The culprit, if an agent, could expect severe reprimand, transfer or possibly forced resignation. If the leak was found to have originated outside the FBI, the person or agency responsible got the lash of Hoover's tongue, and some people were cut off as future eligible recipients of information. There was more than just the pique of a strong director in Hoover's attitude toward his files. He knew that his special agents in charge of 59 field offices and his 6000 agents in the field were virtually autonomous operators, handling information every day that could be exploited by local politicians—if they could get it. Only strong internal constraints plus repeated public reassurances could ensure that the FBI didn't leak like a sieve, and for corrupt reasons—a circumstance that prevailed in part when Hoover took over the organization in 1924.

Inviolability was not total. Hoover himself occasion-

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ally made raw files available to a President or to friends in Congress. He also presided over selective handouts of FBI material to newsmen when it suited his purposes, for example the distribution of Martin Luther King wiretaps. But in none of those instances did Hoover publicly acknowledge his actions, quite the opposite. And so the myth of integrity was kept intact for the public, and bureau files were guarded with some care by FBI personnel.

L. Patrick Gray III often reminds us that he is not John Edgar Hoover, and the first few days of his nomination hearings prove it. First of all he offered the entire FBI investigative file on the Watergate bugging and burglaring—including raw material—to any senator for review. Breaking another precedent, he testified that FBI interview reports on the Watergate case were sent regularly to White House Counsel John Wesley Dean III. (Hoover sent only investigative summaries.) Gray further testified that when alleged leaks of FBI investigative material were published (*The Washington Post* and *Newsweek* wrote that White House aides and Dean himself were showing FBI reports to Donald Segretti and other potential Watergate grand jury witnesses; *The New Republic* reported Watergate trial testimony that FBI information on peace groups was being fed to the Committee to Reelect the President) no FBI investigation was undertaken. Gray did say that on June 24 he convened the staff of his Washington field office to tell them there were to be no more leaks of Watergate information to newsmen. The ineffectiveness of that could be measured by the dozens of subsequent stories from "federal investigators," based primarily on FBI data.

Hoover's FBI dealt only with the top White House aides, and Hoover himself dealt primarily with the President. Under Eisenhower Sherman Adams was the man; under John Kennedy it was Kenneth O'Donnell; under Lyndon Johnson it was Marvin Watson. Gray, however, dealt with a third echelon presidential aide, counsel Dean, rather than H. R. Haldeman or the President. Moreover Gray was not sure he had told Dean of his objection to Dean's sitting in on FBI White House interviews. Gray's awe of Nixon and his aides is an embarrassing contrast to Hoover's pose of independence. The danger is that this attitude will turn the FBI into a White House police force.

Hoover didn't always choose the right words, but he chose them carefully. If he made a mistake it was rarely glaring enough to require later amendment. At least three times Gray told senators that a White House memo suggesting he make a speech in Cleveland because "Ohio [was] crucially vital to our hopes in November . . ." came after Gray had already been invited and the memo did not influence his decision to speak there. In fact the White House memo preceded and precipitated the invitation. If Gray was not consciously seeking to mislead senators, he came as close as you can to doing it.

Dying Appalachia

Sometime during this term the Congress will again consider legislation to restrict the surface mining of coal. Because vast coalfields in many Western states now face the auger and bulldozer for the first time, debate promises to be louder than in past years and may result in new federal regulations. For a dying Appalachia, however, even a total ban on strip mining—and that's not likely to pass—would be comparable to signing a treaty with an Indian nation after most of the Indians had been shot. Unbridled stripping has left a pall over the Cumberland Plateau that will not soon, if ever, be lifted.

It may still be argued—as it has been ever since John Kennedy visited West Virginia in 1960—that properly directed education, welfare assistance and capital investment can rejuvenate the region. But all concerned magazine and newspaper articles, all the television documentaries and all the anti-poverty initiatives of the last decade have only deepened the people's fatalism and distrust. Outward migration has become the rule of mountain life. Young men returning from World War II determined that they would not spend their lives bucking the plow and stooping in mines or tobacco beds as their grandfathers had done for over a century. In the 1950s and 1960s, as jobs dwindled in the hills and the prosperity of Detroit's factories was advertised by new automobiles and fine clothes, younger brothers and cousins hastened to join the exodus.

Today only the many old and a few young have chosen to remain in the scarred hills. The only time the hollows and ridges have a semblance of community is on weekend holidays when the departed children return for family reunion. Then the dirt roads are lined with late-model automobiles, and the weed yards are alive with grandchildren talking in the accents of Michigan and Ohio. The sons return bearing gifts of television and indoor plumbing.

The hollows of eastern Kentucky are lined with houses that sag and rot in rhododendron and daisies, on land that had been in one family since Daniel Boone's day on which sit rusting, junked automobiles. Before the scoop of the giant D-9 Caterpillar bulldozer, hardwood forests and running streams that were once paradises for the Shawnee have become miniature gray Grand Canyons. The streams run red and yellow with acid, or else have ceased to run as mud slides convert them to swamps.

Organizations such as "Save Our Kentucky" have finally gained a semblance of a following, but each year more and more people transfer their hope for the future in the factories of Michigan, Ohio and Indiana. As one drives through the hollows, he must wonder if the die isn't cast. Abandoned shacks on one side of the road and dried mud slides on the other, the once-proud hills transformed into a no-man's land.

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School Strike

Philadelphia

Philadelphia's public schools are open again following settlement of a marathon teachers' strike that forced most of their 285,000 students to miss 39 days of classes, none of which will be made up before the present term ends in June. The school strike was the second longest in US history. What it appears to have demonstrated is not how important urban public schools are, but the opposite. The shutdown caused only slight disruption in the rhythms of city life. The neighborhoods were quiet; there was no reported increase in juvenile crime during the eight-week stoppage. And hardly any of the people responsible for settling the strike were directly affected by it.

Neither the mayor, Frank L. Rizzo, nor his labor negotiator, Jack Soloff, has children in public schools. Nor does any member of the mayor's cabinet. Only one of 17 city councilmen does. Three of the nine school board members do. John A. Ryan, teachers' union leader who was jailed for defying a court injunction, sends his five children to Catholic schools. Judge D. Donald Jamieson, who passed sentence on Ryan, sends his two children to private schools.

About 30 percent of Philadelphia's 13,000 teachers live in the suburbs where public schools remained open throughout the strike. Like Ryan, many city-dwelling teachers patronize parochial schools. White enrollment has fallen steadily in the last decade, and there are now more white children attending Catholic schools than public schools. Rising black enrollment in the city schools exceeds 60 percent of the total.

Public education's shrinking constituency of influential whites is a fact of life in most big cities, which may help to explain why the strike talks dragged on so long. Until the final week there was no real effort to settle the dispute through intensive bargaining. Then the threat of a general strike by some 40 union locals forced the city to raise its wage offer dramatically. Ultimately it agreed to a four-year $99.5 million contract that will almost certainly require Mayor Rizzo to break his pledge not to raise taxes.

As cynics were quick to observe, the strike helped to rescue the debt-ridden school system from insolvency. When this fiscal year began, the school system projected a $53 million deficit by June 30. It said it would have to shut down the schools in April for lack of operating funds. Special aid from the city and state cut the board's projected $53 million deficit to $24 million, still a sizable amount. Every day of the strike, however, the school board saved $600,000 in unpaid teachers' salaries. On this basis, the school system needed a 40-day strike—40 times $600,000—to erase the $24 million deficit. It settled for a 39-day strike.

Whether or not this was coincidental, the Philadelphia school strike pretty well demolished some long-held beliefs about public education as, in Horace Mann's phrase, "the balance wheel of the social machinery." Contrary to what generations of Americans have been taught, city public schools don't serve rich and poor children of all races, creeds and colors. In places like Philadelphia they serve mostly people who are poor and black. And when they shut down, the people they serve sit helplessly by as nonpublic school people decide the public schools' fate.

Peter Binzen

MR. BINZEN *is urban affairs editor of* The Philadelphia Bulletin.

In The Public Interest

The Light that Fails

The lighting fixtures and electric utility industries have made it. By pushing for and installing higher and higher illumination levels in buildings, they have sold more fixtures, more services and more electricity. This escalating practice of waste shows no signs of abating even in this period of public concern over inflation and the nation's energy resources.

The lighting industry's psychology is pithily captured in promotional literature for a recent speech of a former president of the Illuminating Engineering Society (IES), an industry-dominated group. It trumpeted: "How to sell the tremendously growing lighting market through higher IES lighting levels so that we—the engineer, manufacturer, distributor, electrical contractor, utility and the ultimate buyer will all benefit."

But the ultimate buyer or consumer does not benefit. Instead the consumer is billed going and coming by excessive illumination. Too much light adds virtually nothing to visual performance, may actually impair visual health, increases lighting bills, leads to unnecessary investment in building fixtures and contributes substantially to burning of fuels and pollution from the generation of unnecessary electricity.

It all started about 40 years ago by the unenlightened self-interest of manufacturers, utilities and their allied architectural and engineering professions. The strategy of these groups was simple and systematic: tell the public that more light means better sight and that less light leads to harmful strain on the eyes, keep jacking up recommended illumination levels, make sure that these levels are given the facade of "authority" by the IES and then adopted into state or local law or merely accepted as accepted professional lighting standards.

This strategy has worked and is still working for the lighting lobby. The spiral gluttonous candle power levels (lighting intensities are measured in footcandles

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with one footcandle equal to the light of one candle at a distance of one foot) keep going up. For example, while ophthalmologists and other eye specialists believe that 25 footcandles are more than sufficient for normal reading light, the IES standard provides for a minimum of 70 footcandles for schools, an increase from the 30 footcandles standard in 1952. By contrast in British schools 10 footcandles are considered sufficient.

According to the IES average lighting levels in commercial buildings are now 125 footcandles, up from 85 footcandles in 1958 and 35 footcandles in 1940. The IES predicts that levels will reach 250 footcandles by the year 2000!

An experienced library lighting consultant and former Harvard librarian, Keyes Metcalf, says that 25 footcandles for libraries should be the recommended upper limit. He added that increasing the illumination levels of a 90,000 square foot building from the 25 to 50 footcandle range to the IES recommended 90 to 105 footcandle level would more than double the lighting bill.

The heat emitted from this massive lighting in buildings has made it easier to sell or use more air conditioning. A Georgia Power Company officer, whose new office was a showcase of conspicuous lighting consumption, explained to listeners that an added benefit of so much lighting is that "air conditioning will operate all year around." Thus a vicious cycle of more electricity consumed, more environmental pollution, more wasted fuels and greater lighting bills is in continual operation.

Just how many billions of dollars are being wasted in this manner and how much added pollution generated, the industry is not telling. One architect, Richard Stein of New York, wrote in 1972 that adequate lighting could be installed "in institutions, commercial buildings, schools and so forth with less than 50 percent of present light loads." Numerous ophthalmologists have completed studies supporting such an assertion. Mr. Stein estimates an annual saving for consumers of $3.5 billion.

Inasmuch as about 25 percent of all electric power goes into lighting, very sizable amounts of energy fuel consumption would be saved and the pressure to build more power plants, transmission lines and other adjuncts would be lessened.

One way out of this morass would be for the ophthalmologists, who are medical experts in visual health, to stand up and speak out. In a 1968 editorial in one of their medical journals, the writer urged his colleagues to expose publicly the myths of the illuminating industry about more and more light needed for visual health and to point out the health risk of excessive lighting. Consumers are still waiting for such professional citizenship.

Ralph Nader

Talk and Liveried Footmen

The Looking-Glass Conference

by Stanley Karnow

Paris

Meetings on Indochina have usually mirrored rather than shaped realities, and for that reason they have been consistently inconclusive. The attempt by Ho Chi Minh and the French to work out a settlement at Fontainebleau in 1946 was futile because both sides were too committed to their own dynamics to accept a compromise. The 1954 and 1962 Geneva gatherings were similarly unsuccessful, since they sought to resolve conflicts that were far from finished. The latest conference on Vietnam, which wound up here a week ago, is also likely to appear to future historians to have been a peculiarly hollow exercise, for it failed to establish any plausible guarantee of peace in Vietnam but instead merely voiced the hope that the war would not again erupt. The Canadians, who share the unenviable task of reporting on cease-fire violations on the ground in Vietnam, bluntly deplored this omission in their expression of disappointment with the fact that the conference did not set up a solid international mechanism to oversee the peace. And Secretary of State William Rogers perhaps unwittingly underlined the emptiness of the proceedings when he asserted that the responsibility for peace in Vietnam rests mainly with the United States, North Vietnam,

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the Saigon regime and the Vietcong—the four signatories of the Paris agreement in January. Why, then, was the conference held at all?

International conferences, like plumbers' conventions, have become a ritual that permits professionals to renew contacts and maybe even transact a bit of marginal business. During his week here, for example, Rogers discussed such other issues as European force reductions and the Middle East with Soviet Foreign Minister Gromyko, and he took up the question of Sino-American assets and claims with Chi Peng-fei, the Chinese foreign minister. Conferences are also useful for public relations, providing as they do the platform for old allies or former enemies to smile and shake hands before television cameras. This conference was especially significant as well to the Vietcong, which officially emerged in the documents despite the Saigon regime's objections as the Provisional Revolutionary Government of the Republic of South Vietnam. As if to highlight its new respectability, the Vietcong held a glittering reception at which a liveried footman proclaimed the name of each arriving guest. It was in the best Congress of Vienna tradition, and as I stepped forward to meet Madame Nguyen Thi Binh and her comrades on the receiving line, I found it hard to recall that they represented those little men in black pajamas and sandals. And as I plunged into the reception, a cup of champagne in hand, I found it equally difficult to make a connection between the cheerful American, Soviet, Chinese and other diplomats present and the Vietnam I had visited only a couple of weeks earlier. It occurred to me, however, that nobody visualizes cancer wards at a meeting of the American Medical Association.

But nothing dramatized the remoteness and essential irrelevance of the conference more than the crisis that broke out at its beginning, when Hanoi and Vietcong spokesmen in Saigon announced that the further release of American prisoners of war would be suspended. The motive behind this move by the Communists was to lean on President Nixon to put pressure on Nguyen Van Thieu to improve the treatment of the North Vietnamese and Vietcong representatives on the four-party joint military commission in South Vietnam.

The Communists certainly had cause for complaint. Their delegates to the joint commission had been isolated and harassed by Thieu from the moment of their arrival in Saigon in January, and some were still being assaulted by government goons in central Vietnam as late as the end of February. But Nixon refused, in public at least, to link the prisoner issue to the question of security for the Communist delegates. He insisted that the Paris agreement called for the unconditional release of the prisoners, and he instructed Rogers to drop all matters at the conference except the POW issue. Rogers met briefly with North Vietnamese Foreign Minister Nguyen Duy Trinh, who gave his assurance that the prisoners would be freed on schedule. Thus the White House was able to create the impression that the Communists capitulated rather than incur the Nixonian wrath. The available evidence suggests, however, that the problem was straightened out elsewhere and that little of substance actually happened here.

A key move in the episode undoubtedly took place in Saigon, where Ambassador Bunker met with Thieu and presumably warned him to stop manhandling the Communist representatives in the South. Soon afterward, South Vietnamese Foreign Minister Tran Van Lam met here with Madame Binh, apparently to convey to her Thieu's pledge that the Communist delegates would henceforth be treated better. There may have also been direct communications on the matter between Henry Kissinger and Hanoi. Hence the encounter between Rogers and Trinh was just a formality. Trinh was able to reassure Rogers that the prisoner releases would continue—a fact that was revealed with much fanfare by the US delegation here—because he already knew by that time that Thieu had promised to behave himself. So the Communists did in reality use the prisoners as leverage to obtain satisfaction for their demands, even though they maneuvered in roundabout fashion.

The Communists' aim in releasing the American prisoners in stages was to continue to have leverage. They may again compel Nixon to tame Thieu if the South Vietnamese president persists in refusing to free the Communist captives under his control. Thieu's objective in violating the Paris agreement is, as it has always been, to provoke Hanoi and the Vietcong to break off negotiations and renew the war. For in his estimation, a renewal of the war would reinforce his stature.

In many ways Thieu's stubbornness was a reaction to the other gains registered by the Communists at the conference here. They succeeded in winning for the Vietcong the status of a government, despite a clause at the end stating that no signatory was compelled to recognize another. They also managed to steer the conference away from endorsement of a multilateral aid program to Vietnam, which is what the United States would have preferred in order to deal with Congress. And most important they shot down proposals for a permanent political authority for Vietnam of the kind that was set up at the 1954 Geneva Conference.

The Communist purpose in opposing a permanent international authority was largely to narrow down reponsibility for Vietnam to Hanoi and the United States, the principal protagonists in the arena. The North Vietnamese and Vietcong may have also wanted to avoid the creation of a body that might become an embarrassing battlefield for the Russians and Chinese, whose diplomats hardly uttered a word to

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one another during the entire week here. All that was left in the final declaration, therefore, was a clause empowering six or more signatories to call for the reconvening of the conference in the event that peace is threatened. The principal casualty of this decision were the Canadians, who spent 19 years fruitlessly trying to maintain the peace in Vietnam and do not want to go through the same experience again as members of the new International Control Commission. Or as their external affairs minister, Mitchel Sharp put it: "We will give it a try. But if we are frustrated, we will go home."

Once again, then, nothing is decided at the conference table that is not decided on the battlefield. If peace is achieved in Vietnam, the conference will have been a ceremonial occasion that seemed to help. If the war heats up again, it will have been a waste. In contrast to past conferences, however, it raised few expectations, which may reflect the extent to which the world has grown sophisticated—or cynical.

The Budget: What's Up?

by Walter Pincus

The debate over the President's proposed budget for the fiscal year that begins July 1, 1973 has centered on what's being cut—some agriculture loans and supports, housing for the poor, day care centers, urban renewal, community action, manpower training, neighborhood youth, hospital construction, impact aid to schools and to elementary and secondary education. Rather than duck the debate the President seemed to encourage it, telling Congress that: ". . . the 1974 budget is clear evidence of the kind of change in direction demanded by the great majority of the American people. No longer will power flow inexorably to Washington. Instead the power to make many major decisions and to help meet local needs will be returned to where it belongs—to state and local officials, men and women accountable to an alert citizenry and responsive to local conditions and opinions."

While portraying himself as a man who is ending uncontrolled federal spending that has failed to help the poor, the unemployed, the blacks and the aged at high cost to those taxpayers the President calls "the great majority," the President offers a budget that does not cut but increases spending to support the airlines and air traveler, the businessman and industrialist, the sugar grower, the fuel energy industry, the defense industry manufacturer, nuclear weapons maker and some unnamed allied governments in Southeast Asia. As Congress moves to review the President's proposals, it ought to explore whether the same test and standards were applied to programs that are going up, as to the ones that are being reduced or eliminated. It should also ask if these expanding programs are consistent with Mr. Nixon's promise to get rid of the "hodgepodge of independent, organizationally unrelated offices that pursue interrelated goals."

Though there is some honest difference as to whether an energy crisis exists, the new budget supports the thesis that it does—and the federal government is going to weigh in with its money to help find some solutions. The Atomic Energy Commission, for example, is increasing its research on civilian power reactor development by $35 million to a total of $240 million. Most of that will go for the liquid metal fast breeder reactor which is expected to be crucial in future nuclear electrical energy facilities. A second, long-term electrical energy source—controlled thermonuclear fission—will also be explored. That program gets $7 million more next year, for a total of $44 million.

The increase in civilian nuclear energy research is not matched by a drop in nuclear weapons research. The national security side of AEC's research will grow by $14 million and, at $625 million, still run far ahead of total civilian energy research. (Spending for nuclear weapons will continue to rise by $12 million to $425.5 million. A new $12 million production facility for atomic artillery shells will be built.)

As might be expected, the Interior Department is increasing its expenditures on the energy crisis. A $25 million "central energy research and development fund" is being proposed "to provide a flexible source of support to exploit technological opportunities that may arise to deal with non-nuclear energy problems,

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. . ." Interior is also asking for a special $700,000 as the federal government's contribution to the ninth world energy conference to be held in September 1974. The Office of Coal Research seeks an additional $8 million to look into new uses for coal. A special program to produce clean, high-quality gas from coal by 1980 is being funded with the government putting up $20 million and the American Gas Association $10 million.

Transportation emerges as a growing federal concern and user of the federal dollar. The Federal Aviation Administration will supervise expenditure of some $2.1 billion in the coming year under the proposed budget, up almost $700 million from last year. The biggest chunk of that increase, some $563 million, will be grants-in-aid to airports to pay for runway construction and planning for regional airport systems. Another $80 million is to be spent in the coming year on air traffic control and navigation, with the objective of developing the technical capability to double our airport/airways capacity by 1980.

Thanks to a budgetary device of an airport and airway trust fund, proponents of these expenditures argue that they do not come out of normal appropriated funds and thus don't compete with other programs for federal dollars. The trust fund is made up primarily of user taxes that total some $750 million a year, which under other circumstances would have gone into the Treasury's general fund. For example the federal excise tax which commercial air travelers pay on their tickets will amount to $621,000 in 1973. That money, as with other excise taxes on cars, liquor, jewelry, movie tickets, goes to the Treasury. In the case of the air fares, however, the secretary of the Treasury then transfers it to the airport fund, from which it is then appropriated for FAA programs. To argue that such programs are self-sustaining is much like saying that alcohol taxes should go for poverty programs since many poor people are forced to drink because of their depressing circumstance, and that if it did, poverty programs would not cost the government anything.

The granddaddy of these funds is the highway trust fund, which each year generates over $4.5 billion from users through gasoline and other taxes. Whereas this fund was once used exclusively to construct the federal highway system, it now is dipped into to pay for a variety of highway related programs. In the coming year the administration wants to take a sizable $800 million from the highway fund and use it to finance urban mass transit programs. Another new program would provide $625 million for rural mass transit. Still a third, inspired by the recent bridge collapse in West Virginia, calls for $75 million to replace the most critical of the many unsafe bridges motorists use.

Another transportation expenditure worth note at this time of tight budgeting is a proposed outlay of $30 million next year (up from $15 million) for construction of the Darien Gap Highway. This is a 250-mile stretch that at a total cost of $150 million will connect the Inter-American Highway of Central America with the Pan-American Highway system of South America. The US share of construction will be $100 million. Meanwhile domestic highway construction is being delayed.

Additional money for the war against drugs abounds in the budget. Within the Office of the President, a special fund for drug abuse prevention which totaled $25 million last year is being increased to $40 million this year. At the Justice Department, an additional $4 million is being pumped into the attorney general's office to finance two new "special action offices"—the office for drug abuse law enforcement and the office of national narcotics intelligence. The bureau of narcotics and dangerous drugs within Justice gets a $4 million boost and the bureau of customs within the Treasury Department goes up $25 million, much of it earmarked for drug-related inspection and investigation work.

The FBI is going up $16 million to $366 million, with the bulk of increase earmarked to handle fingerprint checks and administering the famous files. Field investigation expenditures are scheduled to go down. But some $6 million additional is going to US attorneys around the country, the men who actually bring prosecutions. The federal prison system is in line for a $14 million increase, most of it to cover the cost of prisoner care and the maintenance of prison facilities.

The Law Enforcement Assistance Administration, the grant program to state and local law enforcement agencies, will get an added $36 million bringing its total funding next year to $891 million. As with the poverty program, LEAA has had critical congressional hearings with ample illustrations of misused federal funds. Unlike OEO, however, the LEAA recipients have strong support within the Nixon administration.

Buried in the budget of the National Bureau of Standards under the Department of Commerce is a $1 million increase—to $8 million—for an enterprise that did not exist a year ago: "experimental technology development and application incentives." This will encourage "private research and development oriented toward attaining national goals, such as increased productivity." The goal of higher productivity was formalized by a National Commission on Productivity established by the President in 1970, at a cost of $2.5 million. Its original purpose was to develop price and productivity measures for individual industries. Three years later, it is being given a new lease on life and another $5 million. Its additional task will be to provide "for research initiatives oriented to improving the productivity of industry and government."

The National Science Foundation will have a part in this endeavor. It plans to increase by $9.2 million (to $79.2 million) the amount it spends on research applied to national needs. The budget document reads: "An important element of the program is exploration of technological opportunities which have the potential

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for increasing economic productivity and creating new industries and markets for US goods and services."

Another area of deeper government involvement is the collection and distribution of statistics. In the old days there was the census and little more. Now federal statistics represent a $312.6 million outlay and reach into ever-expanding spheres. Again, though the costs are relatively small, the usefulness to private industry is enormous. Next year, for example, the Commerce Department's social and economic statistics administration plans to undertake a new $5.6 million project, preparing for a 1975 survey of "the social and economic characteristics of the population." The work this coming year will provide, in one sample local area, data on employment and unemployment, type of job, income, education, geographic mobility, family composition, minority group characteristics, the aged and housing. This is the sort of information major market research companies collect and which they charge industrial and publishing companies for producing. In fact this Commerce agency has done more and more statistical work for nonfederal government agencies—some $3 million worth last year—including some for trade associations. Another branch of Commerce, the domestic and international business administration, is more than tripling its market studies, statistical reports and government-conducted trade seminars—to $731,000 for next year—all in the name of promotion of industry and commerce. Both units charge their costs to the public users and only undertake projects they find "are in the public interest."

Commerce also plans to spend an additional $8 million on a federal pavilion to be constructed at the 1974 international exposition on the environment to be held in Spokane, Washington. Some $3.5 million has already been committed to this event, which is aimed at promoting sale of industrial products that deal "responsibly" with the environment.

The President has forcefully attacked the federal subsidies for agricultural commodities. His new budget, however, shows a $5 million increase in payments under the Sugar Act, which is perhaps the most restrictive and outdated farm support program on the books. Passed in 1934, it provides payments to domestic sugar growers for limiting the size of their crops, obeying the minimum wage laws and staying within the price structure established by the secretary of Agriculture. A total of $89.5 million is scheduled to be paid out under this program next year.

While the President's budget cuts appear to have all but done away with the neighborhood youth program which afforded summer jobs and activities to ghetto children, the new budget provides a sharp increase in a relatively small program that provides summer employment to a somewhat different youth constituency. The Youth Conservation Corps had a pilot program in 1971 and again last year. Run as a joint effort of the Agriculture and Interior Departments with a $3.5 million budget, it employed some 2600 boys and girls aged 15 to 18 at youth camps on public lands. They worked on campgrounds, trail maintenance and construction. The new budget more than doubles that program—to $10 million—which should allow for close to 6000 participants. Those selected come from youth organizations and school systems from a variety of racial and social backgrounds. "But," suggested a Senate aide familiar with the program, "it is by no means a poverty program or poverty oriented." The budget documents describe it as "an opportunity for understanding and appreciation of the nation's natural environment and heritage."

More dollars will be invested in management. The "leaner" federal bureaucracy the President seeks will cost more and take more people to manage in some agencies. The cost to the Treasury of paying federal employees is expected to go up $7 million, $2 million in processing costs and $5 million for increased postage. The cost of administering the public debt will rise by $5 million, to $79.5 million. To "provide for better management of the public assistance program," the new budget calls for an additional 725 HEW employees ($18 million). In all, $78.8 million is programmed to pay for administrative expenses of grant and contract programs under various federal programs for the physically and mentally disabled, the aging, children and youth, and impoverished families.

The HEW executive management budget is so large that the departmental management budget account is scheduled to run at $130 million next year, up $65 million from this year. The bulk of the increase is carried in two unexplained items: $22.7 million for policy research; $32 million for "Indian program."

Perhaps anticipating the need to reinstate price and wage controls—or at least having the money to do that—the President is seeking $56.2 million for economic stabilization activities.

The Office of Education, many of whose functions are being transferred, is given $8 million more for its own salaries and expenses, to $88 million—a figure that is almost twice the amount used to run the office when Nixon became President in 1969.

The Department of Housing and Urban Development, whose major programs have either been slashed or frozen, has a higher salaries and expense budget. The community management and planning program, whose grants are upped by $10 million, is seeking $1.5 million more for salaries and expenses. Administrative expenses for housing management programs, many of which are now to be frozen, are scheduled to go up $3.4 million. The office of the HUD secretary and under secretary is due for an $800,000 raise. A new office of inspector general is being created at a cost of $8.1 million. The office of the HUD general counsel will also have 10 percent more for operating expenses.

The General Services Administration, the govern-

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ment's housekeeping agency, is seeking $33 million with which to phase out projects financed by the Office of Economic Opportunity. The Department of State, hit by increased costs for its overseas missions following devaluation of the US dollar, asks for an additional $12 million for representation abroad. The devaluation of the dollar also is behind most of the $23 million extra for the US contribution to international organizations such as the United Nations.

The President is adding $6 million to the federal funds for Radio Free Europe and Radio Liberty, the two broadcasting operations that beam their messages behind the Iron Curtain. That brings the total contribution to almost $45 million. In addition the President is proposing a $1 million increase in Voice of America operating expenses plus a $16 million jump in VOA construction funds, primarily to finance relocation of a relay station that must be moved from Okinawa by 1977, when the Japanese resume control of the island. The irony in these increases that bring federal overseas propaganda broadcasting expenditures to well over $100 million is that the budget has no increase in federal support of educational broadcasting in this country. The administration plans to keep its contribution to the Corporation for Public Broadcasting at $45 million, the amount it set last year, then cut back by $10 million when other budget impoundments were made.

In a move that surprised even the people working in the arts field, the President has proposed a sharp increase of $71 million for the National Foundation on the Arts and the Humanities, nearly doubling the $81.5 million authorized for the current year. Emphasis is to be put on bicentennial projects. Other cultural programs which have been starved for funds in recent years are scheduled for more money. The State Department's educational and cultural exchange activities will have $7 million more, again stressing exchange of persons related to the bicentennial. An increase of $8 million, to $20 million, is proposed for the Interior Department's program to preserve historic properties, another undertaking related to the bicentennial celebration. Some $4 million in foreign currency is to be made available for the international campaign to save the monuments of Nubia and for salvage of archeological sites in Egypt.

In his budget message, the President was critical of Congress' "extravagance" encouraged by "special interest groups and by some executive branch officials who are more concerned with expansion of their own programs than with total Federal spending." The domestic programs the President seems to be initiating or expanding reflect those exact same pressures—the only difference appears to be what groups and which governmental agencies take priority, those who make up the President's affluent *great majority*, or those less fortunate?

Next week, Mr. Pincus will examine the budget's allocations for defense and foreign assistance.

That $200,000 Secret Contribution

Piracy and Politics

by James R. Polk

The tales of high-finance freebooting now unfolding in the allegations of the Securities and Exchange Commission are rich in intrigue, plunder and political scandal. There is the private 707 jet, fitted with sauna and discotheque. The banks in the Bahamas and the haven in Costa Rica. The black briefcase crammed with $100 bills, totaling $200,000 in a secret political contribution for the President of the United States. The overseas phone call by an attorney general to help spring a man under federal investigation from a Swiss jail. And finally, in what the SEC calls the largest fraud case of its kind ever, the alleged looting of $224 million by financier Robert L. Vesco from his multinational mutual funds empire. In the words of Vesco's business aide, Donald A. Nixon, 26-year-old nephew of the President, "It's a heavy trip that we're all on now, I'm afraid."

The trail leads to the back doors of the President's family, his political apparatus and his Justice Depart-

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ment. At best the judgment of each seems to have been bad. Beyond that, there are serious questions of a disdain for campaign disclosure laws, a self-inflicted blindness toward ethical niceties, and a dogged disregard for the public's right to the truth.

The fact that it was left to SEC lawyers, questioning witnesses in the fraud case, to discover the offshore origin of much of the cash in the Nixon 1972 campaign safe used to bankroll the Watergate spying says a great deal about how deep the FBI went in its investigation of the bugging at the Democratic National Committee headquarters. ("You can't treat the White House like a house of ill repute," argued a highly placed Justice Department official at one stage during the Watergate investigation.) It might be folly to expect the Justice Department to move swiftly on the latest revelations of campaign chicanery, particularly with former Attorney General John N. Mitchell's name swirling in the midst of them.

The SEC evidence seems clear enough: At the same time as Mitchell was arranging an audience for a Vesco attorney with the SEC chairman to complain about the conduct of the year-long fraud probe, the Nixon campaign was accepting the $200,000 contribution, made in secrecy, in cash, with funds from a private Bahamas bank. Whether Nixon Finance Chairman Maurice H. Stans or Vesco first suggested that it be handled in cash—there is disagreement on that point—makes little difference; it appears to have been to the advantage of both to do it that way.

The money, $250,000 in all, was sent up from the Bahamas Commonwealth Bank in Nassau in a paper transfer to a New York City bank last April 6, the final day of Nixon's secret fund-raising drive and before the new campaign disclosure law went into effect. A former Vesco official, with a 270-pound private detective riding along as an armed guard, picked up the money, all in $100 bills, and drove it out to Vesco's business headquarters, International Controls Corp. (ICC) in Fairfield, NJ. The money apparently spent most of the weekend in a safe in Vesco's home in nearby Boonton. The same official, Ralph Dodd, testified he went to the house Sunday night, April 9, got $200,000 in cash this time, and delivered it to Laurence B. Richardson Jr., then the ICC president. Richardson flew the briefcase full of $100 bills to Washington the next day, April 10, and gave it to Stans, telling him, "Sure hope that we might get some proper help somewhere along the line, if possible. . . ."

The New Jersey Republican politician, Harry L. Sears, who recounted the Stans meeting under oath, dismissed the Richardson comment as "a light remark" and said Stans agreed the money was meant as a political contribution, nothing more. Nevertheless help was not long in coming. Mitchell, who had left the Justice Department to become campaign manager, arranged a session for Sears, an attorney for Vesco, with SEC Chairman William J. Casey a month later. Amid the murk of political money, the SEC shone brightly as an independent regulatory body—it not only went ahead with the fraud investigation, it expanded its efforts.

Meanwhile the $100 bills became part of the cache in a Stans safe, mingled later with more money from Mexico City bank drafts laundered through the Miami account of a Watergate raider. This safe was the source of the last of the so-called security funds given to Republican campaign aide G. Gordon Liddy, convicted as a bugging leader. Some of the $100 bills from the safe were seized in the Watergate arrests. The Bahamas contribution explains, and for the first time, the origin of the bulk of the $350,000 in cash that was taken from the safe and carried in a briefcase again to a bank for deposit in late May 1972. The prosecution had failed to trace those funds in the Watergate trial.

Although the Justice Department, confronted with the trial testimony on the payments out of the safe to Liddy after April 7, did take the Finance Committee to Re-elect the President to court for failing to report all its spending (it was fined $8000), the government either knew nothing—or did nothing—about the unreported Nassau delivery until the SEC developments. (The General Accounting Office, which monitors campaign finance, tried to unravel the history of the $350,000 in the safe last summer before the election, but was not told by Stans or his aides about either the Liddy payments or the Vesco money. "They lied to us," said one person.) The Justice Department has indicated now it will take a look at the SEC testimony on the financier's donation, but no action should be expected soon. "We're patient," said an official.

Once before, the Justice Department excused a Watergate contribution that came in after April 7 on the rather loose argument that the $25,000 from a Minneapolis soybean executive was in a Florida hotel's safe deposit box, waiting to be picked up by a campaign official. But the SEC testimony shows clearly the $200,000 was still in possession of the donors, either at Vesco's home or Richardson's home, until April 10. It could take a good measure of elasticity in the law to accept the Nixon campaign's contention that the Vesco contribution can be dated before April 7 because there had been plans to deliver it by that deadline. Accepting that would be like letting a man audit his own income tax returns and answer only to himself on his own deductions.

The web of political and financial intrigue in the Vesco investigation extends beyond Nassau, New Jersey and Washington, however, to Switzerland, Canada, Costa Rica, Colorado, the Arctic and elsewhere. It is rooted in the dreams of Bernie Cornfeld and in the greed of banana belt generals. It poses a towering test for the SEC in trying to control an investment empire whose founding principle was an international mobility to move money across borders where regulatory

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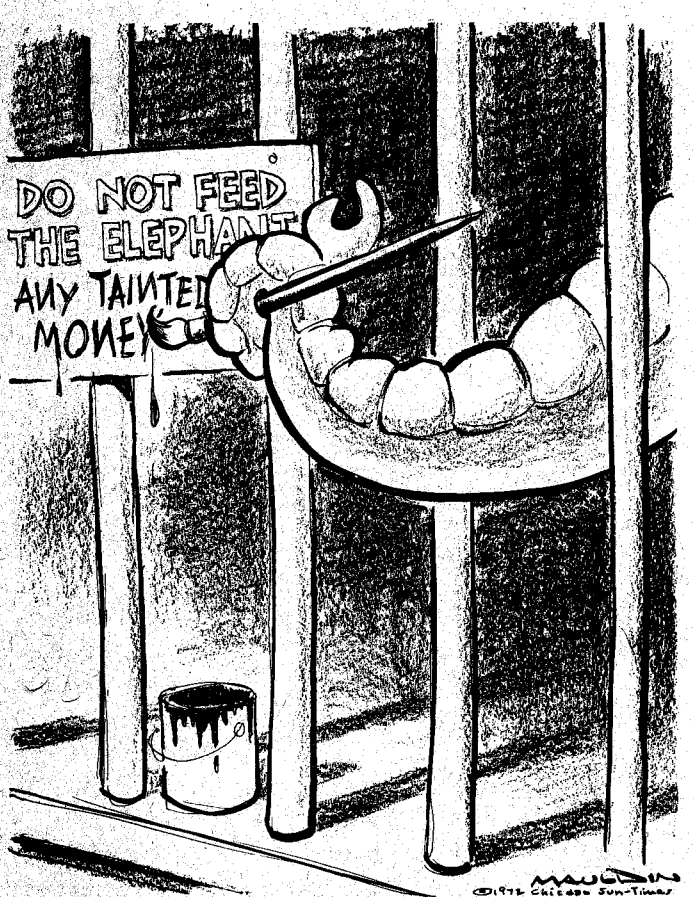
agencies of a nation could not follow.

The fabled IOS, Ltd. (Investors Overseas Services) was the brainchild of Bernard Cornfeld, American expatriate in Europe who started as a door-to-door mutual funds salesman and rose to possess a 12th-century castle in France, a Swiss villa that Napoleon built and a pretty bevy of starlets. The Cornfeld cornerstone was the lure of American blue-chip stocks, in the heyday of the dollar, for foreign investors everywhere. His salesmen in the Middle East, in South America, in Indochina, peddled IOS as an investment plan in mutual funds holding US stocks. IOS skimmed off sales commissions, management fees, brokerage fees, administrative fees, performance fees on investment income. Its most memorable creation was the Fund of Funds (FOF), a mutual fund to invest in other mutual funds—although all the latter were captive groups set up by the IOS itself; it enabled the IOS to take a second set of management fees and a second sales charge as the money passed through different levels.

IOS did not rob from the poor. Much of its money came from landowners in Teheran, merchants in Beirut, millionaires in Brazil, the wealthy few in uncertain economies who shipped their riches out of the country, often in violation of national laws. In many cases, IOS money cannot legitimately go home again. As a matter of record, the SEC indicates this may have been the trigger in Vesco's alleged effort to drain the funds. The SEC quotes an auditor's testimony discussing a scheme to allow foreign investors only 45 to 90 days to cash in their IOS shares. The auditor estimated as much as $150 million in IOS' mutual funds—a fourth of the total holdings—might be money without a home.



Vesco, 37, with a thin moustache, is the son of a Detroit auto industry worker. He formed his mini-conglomerate, International Controls, in 1965. In three years, sales went up from $2 million to $67 million for his array of high-technology companies. He was ready to jump when Cornfeld stumbled. But first there was another large campaign donor who brought the shadow of IOS to the White House.

John M. King, Denver oilman, had been among Nixon's biggest backers, donating from $200,000 to $250,000 in the 1968 race. And he had come aboard when it counted, in the early days before that first New Hampshire primary victory. He headed King Resources, now bankrupt. It pulled in fees for technical services for various oil partnerships, set up mainly as tax shelters selling deductions to the needy rich. Fund of Funds became a major King investor, putting in as much as $60 million. King and Cornfeld went down together in 1970 as IOS profits collapsed, customers fled, and King's oil rights holdings for IOS in the Canadian Arctic were found to be overvalued. King tried to rescue IOS as part of his own salvage operation, but collided with an SEC ban on IOS ties to American companies. The White House took a look at King's situation, then, despite his money, gave him a cold shoulder. A Cabinet official at that time said, "I talked with John King when he had his problems, and told him it wasn't the kind of thing the administration could help with." [The White House has not given the cold shoulder to everyone associated with the bankrupt King enterprise. President Nixon has just nominated as US Commissioner of Education John R. Ottina, whose last post before joining the Office of Education was board chairman and president of Worldwide Information Systems, a subsidiary of King Resources—*The Editors.*]

Vesco flew to IOS' aid with a $5 million loan, and therein begins the SEC's tale today. Vesco's firm, International Controls, borrowed the $5 million from a Nassau bank, then got IOS deposits placed in the bank to match the loan—bailing out IOS with its own funds. Early in 1971, the SEC says, Vesco arranged the purchase of Cornfeld's stock for $5.5 million. The New York brokerage with which IOS did business put that amount in the same Nassau bank, which then loaned the sum to a company in Panama, Linkink, to buy out Cornfeld. Then Vesco's ICC firm acquired Linkink's holdings through a Canadian subsidiary at an eventual cost of $50,000. This became the core of the SEC case against Vesco.

About the same time he was acquiring IOS, Vesco was also signing on young Donald Nixon. He became Vesco's personal business aide, explaining, "I help them with day-to-day details." Young Nixon usually

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works out of Vesco's Bahamas offices, but also travels on the ICC-owned, four-engine Boeing 707 jet, redecorated for Vesco with the sauna and other luxuries. The SEC has said the Nixon nephew has not figured in its investigation because his name has not appeared on any of the Vesco business transactions in the case. But another family name has surfaced in testimony—Edward C. Nixon, the President's brother, also an uncle of Donald. Sears said under oath that Edward Nixon made a sudden helicopter flight to the Vesco headquarters in New Jersey to verify that the $200,000 contribution was wanted in cash. Reached by telephone in Edmonds, Wash., Edward Nixon said "no comment" and hung up.

By the spring of 1971, it was known the SEC was investigating Vesco and the IOS. But Vesco's first trouble came on foreign soil in Geneva, Switzerland, where IOS was originally based. A magistrate ordered Vesco jailed Nov. 30, 1971 on a complaint of illegal voting of stock. After being called from Switzerland, Sears telephoned John Mitchell, the attorney general of the United States, and asked for his help. Mitchell put in a direct call to the US Embassy in Bern to inquire about the arrest. "I don't see anything unusual about it," Mitchell said this month, saying he was only doing a favor for a personal friend, Sears. The career diplomat who got the call, Richard D. Vine, now back in Washington after a State Department promotion, has a diplomatically hazy memory about the Mitchell conversation; indeed, when first asked a couple of months ago, Vine wouldn't even confirm Mitchell had phoned. Vesco was freed on bail by Swiss authorities within 24 hours, apparently without undue US help. He boarded his plush 707 and took off, never to return so far. Sears got a gift of $15,000 from Vesco for the Mitchell telephone call.

Before Mitchell got another request from Sears for help in the pending SEC probe, Vesco tried another move. He put a watch on the SEC's watchdog. According to pre-trial testimony, Vesco had private detectives assigned to check on Stanley Sporkin, the SEC's able enforcement expert, a man with bulldog integrity and admirable intelligence. They found nothing. But the surveillance, when later discovered, caused shock waves in the SEC.

Last February, Sears went to Mitchell, still attorney general, to complain the SEC staff was harassing Vesco. Sears said he didn't tell Mitchell about the Vesco contribution. However when Sears learned last October, just before the election, that the SEC was looking into the destination of the $250,000 from the Bahamas, it was Mitchell whom he called to inform about the investigation. Sears testified he wanted to alert him because of the possible impact it could have on the campaign. By then Mitchell was a private New York City attorney again, although he did remain a campaign consultant after his resignation as head of the Nixon reelection campaign in the Watergate aftermath.

With Mitchell's intervention, Sears met three times with SEC Chairman William Casey, once during the Republican convention in Miami Beach. Casey took the rare action of instructing an SEC attorney, G. Bradford Cook, to oversee the staff investigation of Vesco. Cook, 35, has since been named as Casey's successor as chairman. Cook's entry into the probe had a divided effect; it slowed the filing of the suit on Vesco's takeover from Cornfeld, but Cook played an aggressive role in pressing for investigation and gathering the evidence for the broader fraud charges that stemmed from the shuffling of IOS money in those 1972 months.

The SEC has accused Vesco and certain co-defendants of fraud in draining $224 million from the Fund of Funds and two other mutual funds. The commission said the IOS funds sold their blue-chip US holdings, shipped the money out of the country, and put it in shell corporations in the Caribbean and Central America, to be used for Vesco's personal pursuits. A $2.15 million loan went to a firm owned partly by Costa Rica's president, Jose Figueres, whose son is a company executive. Another $60 million from the Fund of Funds was placed in a newly formed Costa Rica outfit, Interamerican Capital SA, of uncertain parentage and uncertain future. Vesco, if he gets clear of SEC entanglements, is expected to move to the Latin American country, the original of the banana republics, as a new base for his high-finance dealings. Young Donald Nixon is already carving a foothold in Costa Rica, picking out an investment property for Vesco tucked between two volcanoes, which Nixon says are dormant. "It's one of the most spectacular places you've ever seen," he says.

The question for the SEC in the courts is whether it can follow the Vesco entourage in its border-hopping to protect American investors and stockholders from being adversely affected in actions that may occur outside the United States by corporations based outside the country. It is quite a legal knot, in no way subject to simplification, and it already seems to have attracted as many lawyers as a railroad bankruptcy.

The question for Nixon political operations is whether there is an obligation to be open and honest with the American public. Certainly if the Nixon campaign is to contend there was no impropriety in the cash contribution from Vesco when made, why conceal it? It is noticeable that the money was returned, along with another $50,000 given by Vesco on record last fall, in a total refund of $250,000, but only after a newspaper article raised the mystery of the missing money from the Bahamas in that significant April period. It would seem public embarrassment is a more compelling stimulus than private conscience. A Nixon money man, suggesting that the campaign had been caught off guard by Vesco's maneuverings in a controversy not of its own making, said, "I guess if you get in bed with dogs, you catch the fleas."

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Stanley Kauffmann on films

Payday

(Cinerama)

Ten from Your Show of Shows

(Pinnacle)

Painters Painting

(New Yorker)

I don't know anything about country music but I know what I like—and it's not country music. Still, there are many millions of fans and they are by no means all in the country: one of the largest New York AM stations has just converted to an exclusive policy of country music. Some people who know the field have just made a good film about it. In 1957 Elia Kazan and Budd Schulberg made *A Face in the Crowd*, which, with dull seriousness, missed the essence of the phenomenon by pasting political import on it; now *Payday* sticks to business and gets a lot done.

The story is another Day in the Life Of, but it turns out to be the last day. Rip Torn plays a thirtyish country-music singing star, traveling through the South in a chauffeur-driven Cadillac, with staff in another car. (They communicate by car phone.) Ralph J. Gleason, a familiar of the pop scene, was executive producer of the film; it was written and co-produced by Don Carpenter, the novelist. Carpenter has done the simple but daring act of not inventing a plot: he has observed the life and distilled it in a series of interrelated incidents. The only thing that might not have happened virtually any day is an accidental killing. A drunken man comes at Torn with a knife, and Torn turns the knife on the attacker. Also—a once-in-a-lifetime event—Torn himself later dies of a heart attack. But both of these events are quite credible, and simply rack up as more items in "another" day. Given the Southern atmosphere of honey-covered hostility and Torn's regimen of pep pills and bourbon and no sleep and heavy wenching, both deaths seem mere steps along the way.

The dynamics of the film is, in its small scale, admirable. Carpenter starts his script with a gathering of forces that portend drama; then we see that it's the life of the protagonist that is making the drama, not a dramatist, that Carpenter is (in effect) more a selector and arranger than inventor. We have all been aching for "true" fiction films about the multifarious facets of American life; Carpenter has chosen a fruitful one, and has used it without hype or heating up.

We begin with the finish of a roadhouse date, Torn's quick back-seat bang with a blonde fan, the pay-off with the house owner, and an all-night poker game. Next day Torn visits his mother, who is on pills herself (presumably his doing), goes hunting with another musician, fights with him and fires him, and acquires his girl. For a time Torn is traveling with her and his "steady" girl, and lays the new one in the back seat while the other snoozes next to them. (For sex, who needs *Last Tango in Paris*?) The "steady" makes trouble, he throws her out, then stops off to visit his estranged wife. Later he takes on a young songwriter—a witness to the killing who is hushed up by being hired—and when, still later, Torn's heart gives out, there is a hint that the young man will carry on. (A touch of *All about Eve*.)

Torn has always been a somewhat eccentric actor, choosing his roles oddly, sometimes foolishly, but always implying in a nutty way that there was something serious about him. His role here is perfect for him, and perfectly realized: a con man who knows it and likes it, over-ripening fast but damning it to hell, viciously egotistical but giving value for his money to his audiences, public and private. It's hardly a profound characterization, but it's a nicely paradoxical one: Torn holds our interest, yet we feel not a pang when he dies.

Whoever cast this picture did it superbly. I could single out Michael C. Gwynne, Torn's manager, but everyone from the estranged wife to a barber—one of the two blacks seen in this Southern picture—is exactly right.

The director is a Canadian named Daryl Duke who has made documentaries and done TV; this is his first fiction feature. He's smart. He gets a little fancy with crane and helicopter shots, thus giving grandiose emphasis to moments that are simply links in the narrative, but especially when he deals close and hot, he has skill. A surprising amount of the picture takes place in the back seat of that Cadillac—surprising in retrospect because Duke never gives us any plunkety-plunk routine of shot and reverse shot. He handles that back seat without any sense of cramp.

Easily, with no self-consciousness, *Payday* carries a good deal with it, just by being truthful about itself. It explores an entertainment tradition that is a commercial extension of folk song, brought to this country by Anglo-Saxons, now transmuted and exploited: show-biz based on its performers' false naiveté—"I'm jes' a country boy playing for you good country people"—and a public that still wants to think of rusticity as proof of virtue, even when they live (as many of them still do) in giant cities. It

(continued on page 29)

Films Worth Seeing

Cries and Whispers. Inferior Bergman, with no real ground or progress in its story of three 19th-century sisters, but beautifully executed.

The Discreet Charm of the Bourgeoisie. Buñuel, apparently getting younger, mocks the fantasies of the stuffily corrupt with pitiless wit.

The Emigrants. Liv Ullmann. Max von Sydow. If that's not enough, some truth about 19th-century Sweden that drove people to the US.

Jeremiah Johnson. Robert Redford as a trapper in the Rockies 130 years ago, in a picture of exceptional authenticity.

The Ruling Class. A generally fascinating mess about a religious nut who inherits an earldom. Peter O'Toole fine, as are most of the others.

Traffic. Jacques Tati's latest comedy is his best: a balletic spoof about auto madness. Actually more to be looked at than laughed at.

Under Milk Wood. OK, so it's *not* a "real" film. But there are lots of nice pictures and some lovely speaking of Dylan Thomas' tumbling poetry.

SK

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Robert Brustein on theater

Portrait of a Warning

London

New plays by Tennessee Williams and Friedrich Duerrenmatt bring up the plaguey question of how much further development is required from writers who have already secured their place in theatrical history. Why should established playwrights be obliged—like milliners or couturiers—to design a new form for each succeeding work, instead of being allowed—like cabinetmakers or silversmiths—to continue with a pattern of proven worth? Is the drama to be judged by the fickle values of the fashion world or by the criteria of honest craftsmanship? Do we not expose something jaded in ourselves by insisting on continual progress from the artist? Or to put the problem in another perspective, must we prefer the romantic Strindberg because he experimented incessantly with theatrical form to the modest Chekhov who persisted throughout his dramatic career with a similar setting, structure, atmosphere and group of characters?

Having myself posed this set of rhetorical questions, I would now suggest that, being formal rather than substantive, they are less important than the question of what lies behind the artist's choice. It is more crucial to determine whether the classicist repeats himself in order to go deeper into his material, or because his experience is limited—whether the romantic experiments in order to discover another way to express himself, or to hide a fundamental lack of substance. We revere both Strindberg and Chekhov because each was trying, in different ways, to essentialize a vivid sense of experience. The question we must now ask Williams and Duerrenmatt is whether their new works are a confrontation with reality, or merely another way to evade it.

I am afraid neither Williams' *Small Craft Warnings* nor Duerrenmatt's *Portrait of a Planet* will satisfy our expectations of these writers because both are impelled less by felt perception than by remembered feeling and received ideas. Of the two, Williams' play has more texture, though it strikes me as a rambling essay without a firm theatrical center. This author has always written most effectively in a vein of poetic and atmospheric realism; *Small Craft Warnings* has moments of the old magic, but they are too diffuse, and in place of any coherent organizing principle, we get only character sketches, arias and flashes of insight, particularly into the grossness of American prole culture.

The scene is a rundown bar on the Southern California coast, complete with rain curtains, soft drink posters and an octet of the defeated. Among the latter are Leona, a raucous Amazon from the trailer camp; her current lover, a crude and beery stud; Violet, a dizzy girl of the night with a passion for Whopper hamburgers and a mechanical habit of masturbating men (sometimes in pairs); an alcoholic doctor who bungles a premature birth, thereby killing mother and child; and a pair of homosexuals who don't talk to each other. Most of these characters are familiar from previous plays (the doctor is borrowed from Chekhov, or possibly from old Thomas Mitchell movies), with the exception of the homosexuals who may have entered Williams' work in response to recent social imperatives, since the author has been criticized in print by gay militants for failing to dramatize the concerns of the movement. Homosexuality, in fact, is the only theme that ever threatens to dominate the play: Leona tells us her dead brother was gay because, as she curiously explains it, his pernicious anemia made him too weak to go with a woman and he had to give his love to someone (!), and the older fairy is permitted a fruitily poetic speech in which he describes how he lost the ability to say "My God" instead of just "Oh well."

Oh well, the trouble with the play—apart from its perfunctory form and conception—is that Williams seems to have fallen too deeply in love with the idea of desperation. And my God, there is more than a trace of self-pity in his boozy affection for failure, which invests this work with the tone of an oversoaked barroom soliloquy. That the production just manages to transcend the sentimentality of the writing can be attributed to the emotionally charged performance of Elaine Stritch as Leona. Costumed in white ducks, a pink sweater and a patchwork cap, her nose perceptibly reddening with grief and rage, Miss Stritch begins a little shakily, letting her musical comedy training push her into physical and vocal excesses, but she soon recovers enough to evoke a moving characterization of a woman with nowhere to go and nothing to do. That the play shares this vagrant sense of aimlessness doesn't make her task any easier, but she and the rest of the cast perform their duties, under Vivian Matalon's careful direction, with a certain degree of courage.

Portrait of a Planet represents another kind of failure—the continuing failure of Duerrenmatt to discover an appropriate metaphor (devised so brilliantly in *The Visit of the Old Lady)* to carry his sense of human traffic as an extension of self-interest, self-delusion and corruption. Lacking this, he yields to ponderous Germanic abstraction.

What he wants to state is neither original nor subtle. *Portrait of a Planet* begins and ends with a quartet of Brecht-like gods, watching a sun turn into a supernova. It is our sun, and the rest of the play constitutes a kind of disordered allegory of why the earth has earned its fiery destruction. We follow eight men and women, all with biblical names, through human history, as they evolve from cannibalism to cattle-grazing; pursue the Vietnam war; engage in interracial love with violent conclusions; turn on with drugs; create vicious generational conflict; watch indifferently from their space station in Houston as the first married couple on the moon expire, reciting scenes from *Romeo and Juliet;* and, finally, witness the hurricanes that precede the explosion of the sun, a catastrophe which even the President's Strangelovian adviser is unable to forestall. It is all rather like a confused and rather shallow replay of *The Skin of Our Teeth*, performed with considerably more conviction than it deserves.

What can we conclude from these two tired expressions from the pens of able playwrights about the question of new forms and future directions? On this I would prefer to let another writer speak—one in the grip of emptiness, and despondent about the falseness of his current work—the "advanced" playwright Treplev in Chekhov's *The Seagull:* "I have come more and more to believe that it is not a question of new and old forms, but that what matters is that a man should write without thinking about forms at all, write because it springs freely from his soul." More easily said than done—but until it is done, the future of our drama will be shaky and unsure.

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Douglas J. Stewart on Italian TV

Non fa tempo!

Florence

Guidebooks burst with the news that Ghiberti took 27 years to complete the east doors of the Baptistery. Having come to look for myself, I think I understand why. First, there's the Italian workday itself, with one to four pm siesta. Then there's underemployment: if one man can do a job, six will be hired, at low wages. Then there's the Italian mania for paperwork, stamps, signatures. On top of all this, talk. No job is complete until it has been talked into eternity. Italians excel in eloquence and decoration, both socially based on endless discussion over a long period of time. Painters of the Italian Renaissance were no less artists because they worked amid a babble of apprentices, workmen, models, patrons and kibitzers. The idea of the solitary artist must be rejected; even Botticelli, my favorite, I now fear may have had to submit the choreography of *Primavera* to the judgment of everybody from Savonarola to his models.

Which brings me to TV. It is basically filmed radio, that is, talking heads. Talking, talking! About everything and nothing. The first day I acquired a set I witnessed a half-hour of prime time given over to a debate on whether all Italian drivers should take driving lessons. With a subtlety and precision worthy of a church council the disputants exhausted the subject in three minutes, but not their own gifts of argument about the character of argument. News here is largely speeches by the reporters, often doing nothing more than paraphrasing the words of a political speaker who is seen, but not heard, making his own speech. Incredibly, the Italian formula for covering the Bugner-Mohammed Ali fight was to film interviews *after* the bout, without a second of the action itself.

There are few entertainment shows, except for foreign films dubbed in Italian, dramatic serials again mostly borrowed, and one new variety show starring Raymond Chiari, in basically a 1954 Sid Caesar format. One interesting native product, if hardly a dazzling success, was a six-part series called "*Storie del anno mille*," which might roughly be translated "The Three Stooges Meet the Chiliastic Heresy." It had a certain engaging idiocy but the important thing behind the period slapstick was that the visual aspect of the story was flung repeatedly in the viewer's face in the simplest of terms, though the dialogue was ineffably complex—as if to prove that while words can, like gas pumps, convey ideas at any rate of flow, pictures can hardly be trusted at all.

There's a children's spot each evening at roughly 5:45. Fare runs from dubbed Hanna-Barbera cartoons from the USA to high-powered documentary on . . . how to produce a Puccini opera! There's even a frightful quiz show each Saturday between teams from competing *licei*, which makes "College Bowl" look like a gut course in folk singing.

Why Italian TV is so wordy and unpictorial bothered me for about a week, until I noticed that a series of stray observations began to form a pattern. Everything transient and unsettled is fit matter, apparently, for talk, but not images. That goes for news, for politics, for advertising, for anything TV is expected to do. On the other hand, looking twice at Italian religious art, one sees that fixed things, the eternal, form the area of visual communication *minus* helpful verbal explanation: a strong base of discussion has preceded the acceptance of a given visual motif so that everyone understands it is past further debate.

A few stray items of interest. TV operates here on a schedule that would either fatally exaggerate, or else possibly cure, the ulcers of American producers. A program may appear within anywhere of 20 minutes of its announced time. Miscues and early sign-offs are covered over with elastic breaks during which one sees gentle landscapes and hears harp music. Commercials, though they exist on a quasi-governmental monopoly, are all bunched together between programs, so no tight scheduling of minutes and seconds is necessary. This produces an interesting by-product, drama, otherwise extremely rare. Many sponsors have obviously decided to engage in a guessing game with the audience by producing finished and professionally slick vignettes, almost O. Henry stories, which defy the viewer to guess what's being sold. For instance, a recent two-and-a-half minute ad production on Genghis Khan, à la the old "March of Time" newsreels, ended up selling an aperitif; a lecture on tree grafting eventually sold face cream; and a short story about a beauty contest produced, finally, a pitch for soup mix.

Trooping the Colors

We used to think we could wave
blue sky from windows

of shooting stars
wave to the world

to blue of bluegrass
under horses standing asleep
in fields under stars

wave white unprinted snow

fluttered red with our own
not someone else's red

we used to think

and stood half asleep
and bruised in frozen grass
bright leaves trailing our cleats
at eleven on Armistice Day
as factory whistles shot the sky
for joy the football wobbled
and stopped still as our hands on our hearts
facing France to remember old
stone strangers from our town
who bravely died there
somehow for us

and try to think now
underfoot stain of someone else's red

twisted white bedclothes

how the sky at night
when we stayed up
turned out to be not blue

it's black and stares in with millions
more than the 48 white dust stars

we used to think we could wave from.

RODERICK JELLEMA

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Bloomsbury Forever

Letters of Roger Fry

edited by Denys Sutton

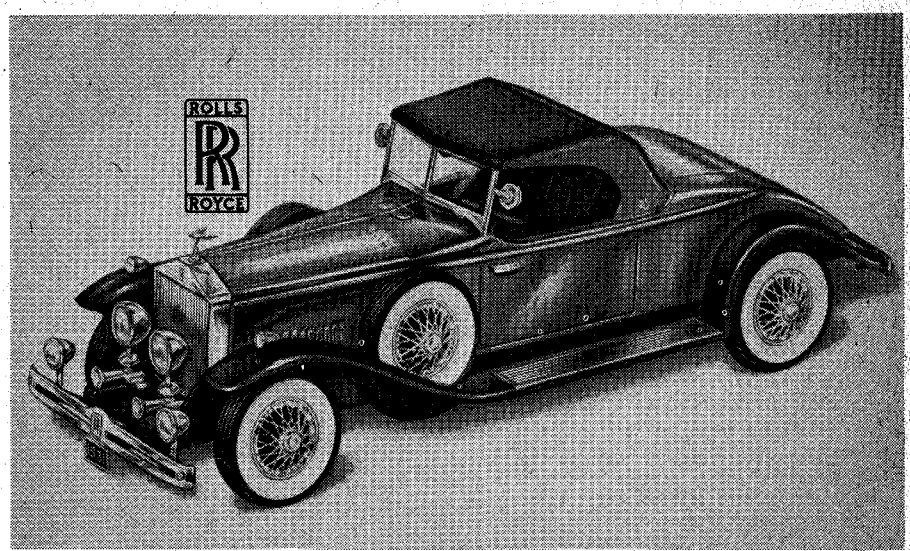
(Random House; two volumes, $30)

Few things are more intriguing than the letters of the famous. These two volumes of selections from Roger Fry's massive correspondence are better than most; they are magnificent letters. Above all, they provide Fry's own account of his complex and often unpredictable development as a critic and as an artist. A secondary appeal, but what for many will be their chief attraction, is as a collection of love letters; and as love letters they are superb, written with a marvelously controlled combination of passion and serenity. There is a third and more general appeal, for these letters are yet more scenes in the seemingly endless drama of Bloomsbury; they go beyond that intense time and place, however, with its interlocking and familiar cast of characters, to throw a great deal of light on many aspects of the artistic and literary life in England, the United States and France.

When Roger Fry died at 68, in 1934, his reputation as an art critic and connoisseur, both in England and abroad, was firmly established. He had, for part of his life, been generally considered one of the most interesting and influential interpreters of painting and sculpture, not only of previous centuries, but of his own time. He looked on the history of art as a continuum and it is quite clear that it was his understanding of the work of the old masters which made it easy for him to appreciate the techniques and goals of modern painting. In turn his study of modern art heightened his appreciation of the primitives, particularly among the earlier Italian painters. To Vanessa Bell, he wrote in 1917:

> I've been looking at lots of my photos of the Old Masters with new interest and find Cimabue more wonderful than ever. I'm copying a S. Francis out of his big fresco at Assisi. I had never really studied that before, at least not with enlightened eyes, and find that what I thought before were weaknesses of early incapacity are really the results of a sensitivity one had never understood. The whole composition is marvelous . . . when one begins to study the forms in detail one finds just the kind of purposeful distortion and pulling of planes that you get in Greco and Cézanne and the same kind of sequence in the contours. . . .

Interestingly enough, this was a letter to a great love of his life. He had several, and to all of them he wrote beautiful letters. Presumably they all but one saved his letters; only Josette Coatmellec, unfortunate woman, destroyed his letters and that she did before she took her own life, actions which were taken not only because she was crazy but also because she could not possess Fry entirely. Vanessa Bell, older sister of Virginia Woolf and perhaps the leading luminary of the Bloomsbury group, was married to Clive Bell, himself an influential writer on art and literature. It was after Fry's wife Helen succumbed to mental illness and was hospitalized for the remainder of her life that he and Vanessa fell in love. Theirs was a rich love affair, rich in physical passion as the letters make clear, and rich, too, in the intellectual stimulation which Vanessa Bell, who was a brilliant and formidable woman, gave to Fry. It is obvious from the letters, for example, that Fry's interest in modern art, especially in the contemporary English School, was certainly furthered by his love affair with Vanessa. Fry's sorrow was very real when in 1914 she fell out of love with him and into love with Duncan Grant, another painter and decorator and constant member of the Bloomsbury set. These were not clandestine affairs, incidentally; Clive Bell was not only aware of his wife's lovers (he had mistresses of his own), but all of them remained close friends and were often in each other's company; in 1911, the Bells and Fry went to Turkey together, and all



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three were in Italy together in 1912 and 1913.

The letters describing Roger Fry's American career are alone worth the price of the book. The quiet understatement and humor with which he describes the machinations of the Metropolitan Museum's trustees and officers, the jungle-like techniques of art collecting among the new millionaires, and the boorishness and vulgarity of his treatment at the hands of J. P. Morgan are fascinating. He had been called to New York as curator of paintings at the Metropolitan, of which Morgan was president. In 1905 he wrote to his mother:

> I was asked my advice on a picture which was not very good but which Morgan had already made up his mind to buy. I don't think he wants to have anything but flattery. He is quite indifferent as to the real value of the things; all he wants experts for is to give him a sense of his own wonderful sagacity. I shall never be able to dance to that tune so that it is more than doubtful if, after all, America will come to anything. I must be quite independent in my judgment and behavior, and if Morgan is too great for that we had better part company. . . . The man is so swollen with pride and a sense of his own power that it never occurs to him that other people have any rights.

The next year he wrote to his wife:

> . . . the Museum is in such a state of chaos with so many conflicting and jealous powers about that if it weren't for the real decency of a few people at the top and one or two of the under staff one would be held up everywhere. . . . All day long people come bringing pictures to sell. Mostly infinite rubbish; and the women, who predominate, have a length of wind which is on an altogether American scale. They usually open by saying how much younger I am than they expected. This is supposed by them to make a soft place for the deposit of their treasures.

And in 1907 he wrote to John Graver Johnson, an American lawyer, art collector and close friend:

> I have found several other Italian pictures which I wanted for the Museum, and on my calling Mr. Morgan's attention to them he secured three for himself and expressed a pious hope that the Museum might be able to buy the rest! When I think that you, who have nothing to do with our Museum, always generously stand aside when we are in for things, I confess this from the President of the Museum surprises me. . . . So far he has done nothing whatever to help the Museum to buy pictures and has on the contrary made full use of me (*gratis*) and proved a serious competitor. . . .

The American experience came to an abrupt and prophetic end when J. P. Morgan bought for himself a Fra Angelico which Fry had reserved for the Metropolitan. When Fry wrote to Morgan explaining the situation and evidently expecting that Morgan would give up his purchase, the tycoon, whom Fry had described as "not quite a man; he's a sort of financial steam-engine," was enraged, calling Fry's tactful letter "the most remarkable letter I have ever received." Within a few months Fry was dismissed from his post.

It was in 1910, with his first post-impressionist show at London's Grafton Galleries, that Roger Fry came into his greatest fame as a leading interpreter of modern art. That first show was followed in 1912 by a second on post-impressionism and both of them caused storms of controversy. Desmond McCarthy referred to the first show as the "Art-Quake" of the century. Virginia Woolf, whose biography of Fry appeared in 1940, described a tremendous hubbub and a public in "paroxysms of rage and laughter." What it was all about was Fry's introduction of such modern masters as Cézanne, Gaugin, Matisse and Picasso. Fry took it all well, and in his usual calm way wrote to his father after the first opening:

> I have been the centre of a wild hurricane of newspaper abuse from all quarters over this show of modern French art. I fear you would not like the pictures, but I believe them to be serious efforts at a more expressive art than we have had for several centuries. . . . It is really the beginning of the return to Byzantine and Early Christian art and I suppose corresponds with the newer tendencies of thought of the rising generation which are all in favour of constructive rather than destructive thought.

One might have thought after the five volumes of Leonard Woolf's biography, the two volumes of Michael Holroyd's biography of Lytton Strachey, and Quentin Bell's recent biography of his aunt, Virginia Woolf, in addition to the innumerable works which preceded them, that the last words had been spoken on Bloomsbury. A naive assumption, obviously, for here we have these two sumptuous volumes of Roger Fry's letters spreading the magic net of Bloomsbury even further over our minds and imaginations. There are those, of course, who do not find anything admirable about Bloomsbury, its population, or its achievements (and we are, no doubt, far from a final estimate of its art, literature, philosophy or social theories), but even these will admit to a certain fascination with the period and with its characters. I believe that the greatest appeal of Bloomsbury, in addition to several important accomplishments, lies in the fact that, as Elizabeth Hardwick recently wrote, it was "only yesterday, within our lifetime. It is all contemporary and at the same time also *historical*." In these letters of Roger Fry, we have some of the best words on the subject and can actually follow in his sentences the passing of yesterday into today and the transition of one culture into another; they are a lucid and intimate commentary on himself and his fellows.

Mr. Denys Sutton should be complimented on his masterful job of selection and editing and for his fine introduction to these letters.

J. M. Edelstein

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Notes on Contributors

Douglas J. Stewart *is currently in Italy on sabbatical leave from Brandeis University. Poet* Roderick Jellema *teaches English at the University of Maryland.* J. M. Edelstein *is chief librarian of the National Gallery of Art.*

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In Brief

The River of No Return by Cleveland Sellers with Robert Terrell

(Morrow; $7.95)

No one who was involved with SNCC and CORE in the 1960s will read this book without a good deal of nostalgia, sorrow and bitterness—not a very pleasant mixture of emotions, but things haven't turned out so well, either. Cleveland Sellers is a long-time civil rights activist. He comes from a small town in South Carolina, and is of a middle-class family. He needn't have worked so long and hard on behalf of his people. He might easily have become yet another member of E. Franklin Frazier's "black bourgeoisie." Instead he joined up with SNCC in the early 1960s and to this day is working as an "organizer" and political activist. As he himself says "I don't have a personal life anymore."

Much of this book is appropriately impersonal. We are told less about the author's life than about the life of the civil rights struggle in the South. Especially evocative, haunting at times, are the recollections of the "old days," when it was "black and white together"; when it was "we shall overcome"; when a relative handful of students could think of taking on the whole segregationist state of Mississippi—and do so with more success than they dreamed possible. (They never underestimated the dangers, the lives that would be lost, the beatings that would take place.) Success, of course, meant the vote for previously disenfranchised people—along with a seat in a Howard Johnson's or a movie house, if one had the money. Yet by no means have the region's Eastlands given up their economic power. By no means, either, have the rural poor Mr. Sellers knows so well had any reason to give up their heritage: fear, extreme poverty, constant anxiety and a sense of vulnerability that no SNCC or CORE can remove—not when a Voting Rights Bill or a Public Accommodations Bill is followed by an administration such as we have now. So Mr. Sellers expresses his rage and confusion. He persists, tries to do what he can, feels hopeless one minute, but on the whole determined—and utterly selfless about his dedication. What matters is his people, still at the bottom of the ladder, still at the mercy of sheriffs and landowners and yes, high government officials, who right now are cutting the heart out of valuable domestic programs (ones that *do* work, but have been denied proper funds, and now will lose all funds) but making sure that all those military bases in states like Mississippi and Alabama stay well supplied with a "cash flow." Mr. Sellers is not surprised at all that, but then why should he be? He has written his book, presumably, to tell the rest of us that our surprise and chagrin are matched by his people's daily pound of flesh—and more.

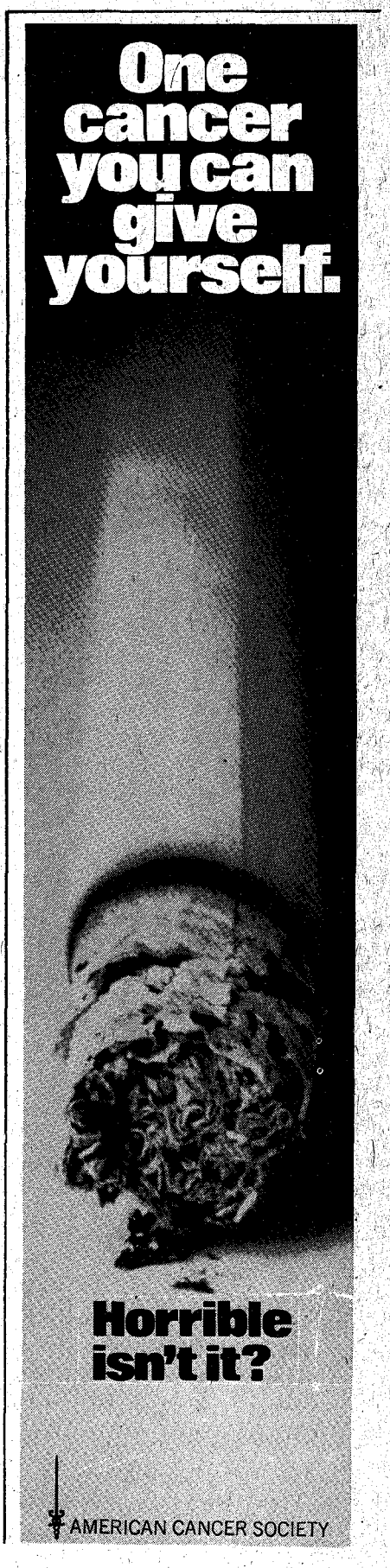
The Digger's Game by George V. Higgins

(Knopf; $5.95)

No writer has ever been luckier in his salaried work than George Higgins; like Melville or Conrad going down to the sea in ships (at the edge of which all resemblances end) all Higgins need do is go to his office (he is assistant US attorney for Massachusetts) and there, in the raw tapes and transcripts of his files, are the voices, characters and detailed malefactions of his moonlight labors as a writer. *The Friends of Eddie Coyle*, Higgins' crackling debut, was a tautly-told tale of the sordid types—the small-time and middle-echelon hoods who infect the woodwork and sewers of the Greater Boston underworld; in *The Digger's Game* he establishes sole ownership of the field.

The book is flawless of its kind—never a false word, phrase, rhythm, gesture; its "kind" being the fictional equivalent of a "gangster" film that has never been made, for the book is free of the least sentimentality that inevitably mars by prettifying or magnifying the best of those films. There are no heroes, no outsize characters on the way to becoming legends—only punks and grifters, heistmen, informers, loan sharks. The interlocking action, shaped almost entirely by talk, unfolds with arithmetic inevitability: the gambler deep in debt has no other way of paying off his "markers," which are held by "Greek" (not the Greek but Greek), the loan shark, than by bringing off a large heist. Out of his own loudmouthing carelessness he will bring about his own undoing, in the course of which some blood will be spilled. In this game there are no accidents and no mourners, and there are always others waiting in line to take the places of those who've been hit by the cops or their "friends."

But the action itself is almost incidental, an occasion for talk, Higgins' and the book's chief pleasure. Higgins lets his talkers run on at reckless length; he encourages them, eggs them on to



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floods of filth, a kind of brutal patois of the gutter, the folk language never spoken by Cagney or Raft, Robinson or Bogart, all of it used with metric precision, including the false starts of fast talkers. The novel is essentially a performance in guild-language, but what a virtuoso performance. As Greek would, and does, say: "Infuckincredible."

The Women Poets in English: An Anthology edited by Ann Stanford

(McGraw-Hill; $9.50)

A curious gathering of poets of the English-speaking countries are here, all women, from two anonymous (and therefore only conjecturely of female origin) Anglo-Saxon lyrics through the almost nonpoetry of Elizabeth I, to the spate of 20th-century work. One hundred and thirty-five feminine writers appear in these pages, more than half of whom have lived in this century, but even so, the collection is in no sense inclusive. One looks in vain, for example, for Elizabeth Bishop or, for that matter, less well-known but accomplished or popular poets like Eda Lou Walton, Felicia Lamport, Dorothy Parker (who is mentioned in the introduction but not reproduced), because Phyllis McGinley *is* here. Diane Wakoski is mentioned, not quoted, and Erica Jong is nowhere to be seen.

Of course any anthology suffers from eccentric choices and omissions, but here there are other faults. The balance of judgment is disturbed by pages given to the lukewarm verses of Alice Meynell and a number of very minor contemporary figures. As for the old, Emily Dickinson is represented by 15 short lyrics, every one of which is the staple of other anthologies and shows that great enigmatist at her most childlike and familiar. In addition there seemed to this reviewer to be too many undistinguished inclusions, an excess which may be thought justified in the light of the patent neglect of poets of the female sex in the past, but, in cold light of print, does not do the cause of affirmative action to redress this grievance much good.

No doubt there is strong justification for an anthology of this nature, but if so, it ought to have been done better, more completely or more selectively, depending upon the anthologist's principle of choice. Further, the introduction, which fails to establish any ground rules beyond the matter of sex, contains a long series of what can only be described as startling truisms: "In the United States, Edna St. Vincent Millay, whose career was launched with 'Renascence' in 1912, became the best known lyricist of the '20s, representing the buoyancy of the years following World War I," and "Elinor Wylie, too, was, in her life as in her intense poetry, a vivid representative of the period, bringing out four volumes before her death in 1928." It is hard to know to whom such facts are any longer new, informative or valuable; such editing only adds fuel to the current opinion that publishing volumes like this is a purely gratuitous (and profitable) enterprise.

No Beast So Fierce by Edward Bunker

(Norton; $6.95)

This is a novel about the underworld written by a man who knows that world all too well. Mr. Bunker's own life is as sadly interesting as Max Dembo's, the principal character of the novel. Bunker's parents were divorced when he was four, and thereafter it was one boarding house and foster home after another. By 10 he was in reform school, by 13 a parole violator, by 17 he had made the "big-time": he was in San Quentin. Since then (he is 40 this year) life has meant crime and punishment, over and over again: forgery, assault with a dangerous weapon, safe cracking, robbery. For some reason he has always been caught—though his Max Dembo remains free at the end of the novel.

Such a background hardly is a likely one for a writer, yet without condescension or perverse pity one has to call Mr. Bunker exactly that—a first-rate essayist and novelist. He learned to write while in prison, has published in magazines like *Harper's*, and now comes forth with this good, readable, interesting story. Not surprisingly the action has to do with criminals, but this is emphatically not a boring, half-literate, if well-intentioned effort, only published because of its author's surprising and (to some) intriguing past. Mr. Bunker knows how to tell a story; he has an ear for conversation and an eye for the Western landscape. He keeps his fugitive on the run with mounting drama, and in between manages to give some solid portrayals of criminal psychology—the code of ethics which lawbreakers possess, however mean and cruel they are toward others, the rest of us. Beautifully educated products of all sorts of writing courses have managed to come up with less action, tension, suspense than Mr. Bunker provides. He is no Céline, no Dostoyevsky; but he can tell a story and hold his reader's attention. One grasps his talent quickly, and keeps on moving back to the book's cover, where his "life history" is told. What might he have become, had his childhood been more encouraging and decent? Would his talent have been a victim of the "opportunity" the rest of us have? Would he be an even more accomplished novelist? He himself leaves his escaped and well-off hero free but puzzled and at a loss: what to do? how to live? where? His own life's mysteries are no easier to resolve—but he is working on a second novel, we are told, and one wishes him well, indeed.

Soul Murder: Persecution in the Family by Morton Schatzman

(Random House; $6.95)

Children are the easiest prey in the world; their parents can fuel the engines of madness, messianic fantasy, frenzied ambition, personal hopelessness or loneliness—all through their "child-rearing" practices. Egoists teach boys and girls that father or mother is God. Reformers of all kinds work out their notions on infants. Desperately anxious and fearful men and women clutch at the young, hold on to them as if life itself depended on it. The result: another generation of hurt and mournful people—never able to forget all those years of lunacy that went under the name of "family life."

A young American psychiatrist, now practicing in London, has done well to look at the life of Daniel Paul Schreber, a prominent German judge who went mad in his early 40s and never quite recovered. Freud has written about Schreber, and as usual, with brilliance and shrewdness. Schreber's fears and

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"delusions" as conveyed in his writing and in reports by those who knew and treated him gave Freud one more means of looking at how the mind works. One need not fault him for failing to go a step further, as Dr. Schatzman does under the obvious influence of R. D. Laing. One generation is entitled to pick up without rancor and self-importance where another has left off—yet too many followers of Laing treat Freud as if he were an imbecile for failing to see "mental illness," Schreber's or anyone else's, as they now do.

The "soul murder" this book speaks of, drawing on Schreber's own use of the expression, has to do with a father who, of all things, preached to his fellow Germans about childrearing. Discipline was required. Authority had to be established, the earlier the better. Otherwise an infant becomes a beast, untamed and dangerous. Well, the son heeded his father's words. Soon the son became a judge—and no doubt faced with others, like himself caught up in the ambiguities and more than occasional contradictions of "the law," he fell apart. This book shows how a son's "madness" shadows a father's (socially sanctioned) cruelty and worse. Schreber was paranoid, as Freud knew; but he was not "crazy" for being so, rather quite realistic: he *was* hounded and persecuted—by his father, for years and years.

There are at least a dozen implications to this story, well told by the author; and he spells each one of them out for us. One suspects more than a few psychiatrists will be made uneasy as they go through this book—if they are honest and self-critical enough to do so.

The Wild Hunt
by Harry Brown

(Harcourt Brace Jovanovich; $6.95)

Extravagance and silliness are the prime characteristics of much that passes for action in current fictions. Harry Brown once wrote a war novel, *A Walk in the Sun*, in which he worked a solid naturalistic vein, but now he has been driven away from all that: in *The Wild Hunt* his silliness rises to match anyone's. A cuckolded colonel chases his offender, a sergeant who had once taken care of a gaggle of geese for him, in a helicopter for hundreds of pages. That's about it.

Kauffmann, *from page 22*

is one more version of the pastoral romance, giving fake simplicities and fake elemental emotions to people living quite otherwise. Torn's singer is an aging professional Tom Sawyer, and now hip, hopped up, and horny.

Another aspect of our deliberately nurtured sentimentality is our passion for nostalgia, so ravenous that we have already eaten up what could be called the legitimate past and—in our films—are reaching forward past the Summer of '42 to the Winters of the mid-'50s. Max Liebman has clipped together 10 excerpts from the kinescopes of the TV program he used to produce and direct—"Your Show of Shows," starring Sid Caesar, Imogene Coca, Carl Reiner, and Howard Morris. Now it's possible for 30-year-olds to brush away a tear as they murmur about the Good Old Days, a gesture that seems to be the height of our hearts' desire. (Just another version of what underlies *Payday*.)

Esquire recently called Caesar "the funniest man in America," something I would dispute as long as George Burns and Groucho Marx and Ronald Ziegler are alive. To see Caesar these days is to see a species of nervous wreck with some hair but little timing left. In these old kinnies he is plumper, surer (though rarely in *complete* control), and sometimes truly funny. Of the 10 sketches, two are side-splitting: the Wild Woman Driver, and the skit on "This is Your Life." A couple of others are good: Caesar as a Stroheim-type doorman with Morris as his orderly, and a scene in a movie theater. A Bavarian-clock sketch ticks off seeming hours after the only joke, which is the impersonation of clock figures by the four principals; and a couple of the sketches—squeaky shoes at a recital and an interview with a scientist—should have been left buried. In fact, they look as if they *were* buried. "Laugh-in," the post Richard Lester TV show, often amuses me as much as any of these sketches; at least they don't get into the trap of duration-without-progress. And if I want old-fashioned Slow Takes, with good timing, there is always Bea Arthur in "Maude." I got some laughs from these gritty old TV clips, but I certainly didn't feel that a lost treasure had been recovered.

There are plentiful documentary films about painters—mostly short—and books of interviews, so Emile de Antonio has not precisely broken new ground in *Painters Painting*, but he has plowed it very well. This is a two-hour anthology of interviews with 13 contemporary American artists, along with three critics, two curators, a dealer, and two collectors. The material is edited with modest deftness, shot with nice informality, recorded with—at times—too much informality. The interviews are in black-and-white, the paintings are in color. This was presumably an economic move, but it works out OK: it makes the frequent color shots of the paintings a series of climaxes and explications.

The secret of a film (or book) of this kind is the questioner, particularly when the subjects are veteran interviewees like famous artists. De Antonio, an experienced filmmaker (*In the Year of the Pig*), obviously has the respect of all the people he spoke to, as well as—in some cases—their long friendship. That was the crux, not his filmmaking skill. He is visible in some shots, invisible and unheard in others. He asked good questions, surely, because the overall impression of the film is that these painters are highly articulate. It's a common comment (or plaint) that much new art seems made to be written or spoken about. Not only by critics, apparently.

Barnett Newman (since deceased), Willem de Kooning (very witty), Robert Rauschenberg and Robert Motherwell and Frank Stella (a grave Woody Allen) are five of the most impressive. Jasper Johns seems coyly supercilious, and some others don't do themselves much good by public appearance. Andy Warhol is the only one photographed in an odd manner—from behind, seen in a mirror. (His own devising?) He is the least talky but not the least communicative. Whenever I'm tempted to believe that the Devil does not exist, I remember Andy Warhol. His brief interview here confirms a quiet satanism.

As to the content I note only that de Kooning says it was American films that brought him to America—their quality of light, particularly in silent comedies; and that the question remains very open as to whether these painters represent a great era or (as Hilton Kramer says in the picture) a mopping-up operation on some European movements. The two hours are fascinating, even if one wavers between the poles as I continually do. I can't imagine anyone remotely interested in contemporary art who would not find this film a lovely gift.

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Reconsideration

Edmund Burke

"Who now reads Bolingbroke? Who ever read him through?" asked Burke in 1790 in the *Reflections*. And who now reads Burke? Perhaps whoever—meaning no offense—compiles *Bartlett's Familiar Quotations*, although even he, more probably, just reads the previous editions of *Bartlett's*. English schoolboys no doubt hear of Burke, and may-

Reflections on the Revolution in France
by Edmund Burke
Originally published in 1790
by J. Dodsley
Now available from Holt, Rinehart & Winston, $2.25;
Bobbs-Merrill, $5 and $1.75;
Dutton, $3.25; Penguin, $1.75

be they are exposed to an occasional excerpt. American schoolboys scarcely know him. If they are exposed to anything, it is likely to be no more than the passage about the function and duty of a representative in the Speech to the Electors of Bristol at the Conclusion of the Polls, and that is presented as a curiosity. No, though always brilliantly quotable, the prose is unfashionable and there is too much of it. It takes a lot of digging to get to the quotations. As for the substance, Burke speaks for the side that lost, resoundingly, quite a while ago. "When our grandchildren have made up their minds, once for all," wrote John Morley in 1888, "as to the merits of the social transformation which dawned on Europe in 1789, then Burke's *Reflections* will become a mere literary antiquity, and not before." Morley's grandchildren, if not his children, did make up their minds, and his great-great-grandchildren do not remember what the problem was that called for the making up of minds.

But there was a problem. Enormous, in our eyes incredible, social injustices have been gradually remedied in the nearly two centuries since the French Revolution, although others remain or have newly appeared. Perhaps the good that has been achieved is a legacy of the revolution, and perhaps it is not. But this is certain. The French Revolution was the first of the totalitarian movements that have drenched the Western world in blood, particularly in our own century. This is what Burke prophetically saw and this is what he hated.

"Is it an infirmity to wish," asked Morley, that some "phrase of generous hope," such as "lighted up in the spirits" of Wordsworth, of Coleridge and of Charles James Fox, "had escaped from Burke" on the fall of the Bastille? The large-hearted Fox exclaimed: "How much the greatest event it is that ever happened in the world, and how much the best." It was a fatuous remark, like Lincoln Steffens' when he came back from the Soviet Union thinking he had been into the future and seen it work, or like many a now charitably forgotten celebration of one or another wave of the future in the 1930s. And it is an infirmity to wish that Burke had said something of the sort. For it would have been the expression at best of a "fine illusion," as Morley himself implies, and not necessarily fine at that.

Burke saw further and deeper instantly and without illusion. He saw a "chaos of levity and ferocity." He was no more given to automatic adulation of "the people" than of kings, knowing that "liberty, when men act in bodies, is *power*," and that power is to be judged by the use that is made of it, by its distribution, and by the limits put on it. Simply the seizure of power by a great many enthusiastic people is in itself no cause for rejoicing. Burke knew that to begin by despising everything is to set up "trade without a capital," and he saw that the French revolutionaries, despising all about them, all their predecessors and all their contemporaries, must also "despise themselves until the moment in which they become truly despicable." Their liberty was not liberal, he wrote, their humanity was "savage and brutal." He was clear that moderation and reason—the very reason in whose name the revolution was made—would count for nothing in an escalation of fervor from one assembly to the next, until a soldier who could secure the obedience of the armies to himself "on his personal account" would become "the master of your Assembly, the master of your whole republic." Thus in 1790 did Burke unhesitatingly foretell the rise of Napoleon.

Then and for some years more, Burke beheld in England the spectacle of well-born, high-living swells—Fox's companions, despite all Fox's virtues and talents—and of high-minded dissenting divines, seeing only what they wanted to see and extolling the Parisian mobs ("excuse the term, it is still in use here," Burke remarked) from Brooks' or from their pulpits. The French, these safely distanced people were pleased to believe, had merely and at long last acted on the principles of the English Revolution of 1688 and emulated the recent American one. Revolutionary principles were all one, all equal, all good. They had, in fact, too long been neglected in England itself. For the flaws of English government were also gross. The rhetoric of these people was ever apocalyptic. All that was wrong was wrong at the root and all remedies had to be applied at the root. "Something they must destroy," said Burke, "or they seem to themselves to exist for no purpose." Mere reform would not do.

Burke understood his radical compatriots. He did not delude himself about their steadiness of purpose. "Almost all the high-bred republicans of my time have, after a short space," he observed, "become the most decided, thorough-paced courtiers; they soon left the business of a tedious, moderate, but practical resistance to those of us whom, in the pride and intoxication of their theories, they have slighted as not much better than Tories. . . . These professors, finding their extreme principles not applicable to cases which call only for a qualified or, as I may say, civil and legal resistance, in such cases employ no resistance at all. It is with them a war or a revolution, or it is nothing."

Though not often amused, Burke could sometimes dwell on the radical chic hilarity of it all. "Is it not a singular phenomenon," he wrote in a public letter to the Duke of Bedford, after the *Reflections*, "that whilst the *sans-culotte* carcase-butchers, and the philosophers of the shambles are pricking their dotted lines upon his hide, and like the print of the poor ox that we see at the shop-windows at Charing-cross, alive as he is, and thinking no harm in the world, he is divided into rumps, and sirloins, and briskets, and into all sort of pieces for roasting, boiling, and stewing, that

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all the while they are measuring *him*, his grace is . . . fawning on those who have the knife half out of the sheath—poor innocent!"

Such were the flirtations of the upper class and of assorted visionaries. One reason, not the chief reason but an interesting if marginal one, why Burke was never taken in is that he was invincibly middle class and something of an Irish upstart at that; certainly not, as Sir Philip Magnus writes, "the best of good fellows," like Fox. Burke did not gamble, he did not hunt, he cared nothing for horseflesh. He was Church of England all right—and so, later, less seriously, was Disraeli—but he not only began at a considerable remove from the upper-class establishment, he never, like Disraeli, with whatever degree of detachment, became an establishment-follower. "I was not," Burke wrote, "like his grace of Bedford, swaddled, and rocked, and dandled into a legislator. . . . I possessed not one of the qualities, nor cultivated one of the arts, that recommend men to the favor and protection of the great. . . . At every step of my progress in life (for in every step was I traversed and opposed), and at every turnpike I met, I was obliged to show my passport, and again and again to prove my sole title to the honor of being useful to my country. . . . Otherwise no rank, no toleration even, for me." Burke was, of course, very far from being a philistine. He was a man of letters before, after and while he was a politician, and his circle was that of the finest spirits and intellects of the day. But this was not a time or a place in which the artistic and intellectual elite, which was Burke's class, aspired to mingle with the social aristocracy.

The greatly more significant, the decisive reason why Burke did not for a moment go along with the gilded Whig radicals was that Burke confronted events in France with a coherent set of attitudes. He had what he once noted that Shelburne, with whom he served briefly and unhappily in 1782 in the second Rockingham government, and who now as the Marquis of Lansdowne was befriending various radical divines, signally lacked. "He wants what *I* call principles," Burke said of Shelburne, "not in the vulgar sense of a deficiency of honor, or conscience—but he totally wants a uniform rule and scheme of life." Burke had principles, he had a coherent rule and scheme, which he applied to the revolution in France. These principles are of enduring interest, as is Burke's steady sense of their limits. For one of his principles was the principle that on most occasions in politics principle must not be allowed to be controlling. His mind, Christopher Hobhouse wrote, was equal to the application to every question of both tests: principle, and expediency or prudence. "It was this double approach to political thought that made Burke the colossus that he is. He strides the gulf between the reactionary and the progressive, between the empiricist and the doctrinaire."

In our own time of dogma to the left and dogma to the right, and also curious though it be, of unvarnished populism to the left and to the right, when on numerous issues, in a phrase of Burke, "rival follies" mutually wage an unrelenting war, a time when change is widely counted a self-evident virtue, an age of futurism and millenarianism —there is much to learn from Burke. Our problem is the totalitarian tendency of the democratic faith, to which we have become increasingly committed, and the apparent inconsistency and arbitrary tendency of most remedies against the totalitarian tendency of populist democracy. Our problem has been, and is most acutely now, the tyrannical tendency of ideas and the suicidal emptiness of a politics without ideas, "the opposite evils," in another phrase of Burke, "of intolerance and of indifference." These are problems Burke addresses. There is in our past a usable Burke.

His thought yields no systematic philosophy, but it proceeds from a whole view. And a number of fully developed and firmly held propositions can be readily extracted from it. The first of these is that nowhere should there be any lodgment of uncontrolled, arbitrary power, not in any person, not in any electorate, not in any institution of government. Burke fought the King's prerogative, of course. That was what the Whig Party was about, that is what the *Thoughts on the Cause of the Present Discontents*, published in 1770, was about. And that was why Burke supported the American side in the War of the Revolution. He said much later, when accused of inconsistency in opposing the French Revolution although he had held with the American, that he considered "the Americans as standing at that time, in that controversy, in the same relation to England, as England did to King James II, in 1688." He fought the exercise of arbitrary power in his native Ireland. He fought arbitrary power as exercised in the administration of Warren Hastings in India, securing Hastings' indictment by the House of Commons and pursuing Hastings through seven long years of trial.

Arbitrary power in the people was no more tolerable than in kings or colonial proconsuls. "These old fanatics of single arbitrary power," he wrote in the *Reflections*, "dogmatized as if hereditary royalty was the only lawful government in the world, just as our new fanatics of popular arbitrary power maintain that a popular election is the sole lawful source of authority." Men thirst after power, he wrote a few years later, and whether they want it "vested in the many or the few" depends chiefly on their estimate of their own chance to exercise it. What mattered was less the source of the power than whether it was arbitrary or limited. And the way to prevent power being arbitrary was to ensure that it was nowhere total. A good constitution, therefore, distributed power so that no man or institution held it all, and all who held it balanced and checked one another.

So it was in the British constitution, the Crown, the Lords and the Commons sharing power, and limiting the power of each. What had gone wrong early in the reign of George III was that Parliament had become an instrument of the Crown, joining it in exercising control over the people, rather than controlling it in behalf of the people. An additional safeguard against arbitrary power was an independent judiciary, not as a sharer of power, but as a counterweight. "Whatever is supreme in a state," Burke wrote in the *Reflections*, "ought to have, as much as possible, its judicial authority so constituted as not only not to depend upon it, but in some sort to balance it. It ought to give a security to its justice against its power. It ought to make its judicature, as it were, something exterior to the state."

But it was not enough that power be distributed, in no place arbitrary, and in no single place total. The entire edifice of power, with its many interior chambers and partitions, must rest on consent. Neither the distribution of power nor its basis in consent ensure good and wise government. Power is to be limited so that the chances of its

Coming
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wielders doing the bad and the unwise thing may be minimized, and so that when they do it anyway, the harm they cause will be less than total. And power should seek to rest on consent so that its distribution and its exercise may be stable—stability being a prime value, both as an end and as a means; as an end, because though truth may be preferable to peace, "as we have scarcely ever the same certainty in the one that we have in the other, I would, unless the truth were evident indeed, hold fast to peace"; and as a means, because stability is a source as well as a fruit of consent, making the beneficent exercise of power possible though by no means certain.

A representative, electorally responsible institution was critical, therefore, not merely as a sharer of power, but as a generator of consent. Yet it was not the sole generator of consent, nor did it need to be elected by universal suffrage, or to mirror its constituents' desires with perfect fidelity in order to be effective.

Actually a parliament that is a creature strictly of a majority of the people "told by the head" was in Burke's view a menace, because it was all too likely to regard itself as sovereign, and to seize total power, riding roughshod over other institutions.

But it is necessary here to emphasize Burke's pragmatism, and his sense of place and circumstance. "Circumstances," he says in the *Reflections*, "give in reality to every political principle its distinguishing color and discriminating effect. The circumstances are what render every civil and political scheme beneficial or noxious to mankind." Even though he saw clearly and in great detail what had gone wrong in France, he would not be drawn, in the course of controversies that raged following publication of the *Reflections*, into making affirmative recommendations for the structure and composition of French institutions. "I must see with my own eyes," he said, "touch with my own hands, not only the fixed, but the momentary circumstances, before I would venture to suggest any political project whatsoever. I must know the power and disposition to accept, to execute, to persevere. . . . I must see the means of correcting the plan, where correctives would be wanted. I must see the things; I must see the men. . . . The eastern politicians never do anything without the opinion of the astrologers on the *fortunate moment*. . . . Statesmen of a more judicious prescience look for the fortunate moment too; but they seek it, not in the conjunctions and oppositions of the planets, but in the conjunctions and oppositions of men and things. These form their almanac."

In a system like the present one in the United States, therefore, where the executive and a bicameral legislature have both evolved toward election by universal suffrage, but from different constituencies and with staggered terms, Burke would not likely have perceived the dangers that were so evident in the sovereign French Assembly, and that might have arisen in 18th-century England from a sovereign House of Commons elected by universal suffrage; although he would likely have diagnosed the same danger in a Gaullist type of presidency, little countervailed by parliamentary institutions and acting on the basis of the presumed consent to its actions of the people, "told by the head" at the last election or referendum. Even so, Burke wrote two years after the *Reflections* that the English constitution was "not made for great, general, and proscriptive exclusions [from the franchise, as of Irish Catholics]; sooner or later it will destroy them, or they will destroy the constitution."

The fundamental point was, and remains, that consent and stability are not produced simply by the existence and function of popularly elected institutions, although absolute power may be. Elections, even if they are referenda, do not establish consent, or do not establish it for long. They cannot mean that much. Masses of people do not make clear-cut, long-range decisions. They do not know enough about the issues, about themselves, their needs and wishes, or about what those needs and wishes will appear to them to be two months hence. "The will of the many and their interest must very often differ"—an echo here, in some part, of Rousseau, but Burke did not suggest that anything positive followed from this observation, such as the right of a minority, seized somehow of the Rousseauian "general will," to rule. He argued only that there was nothing natural or necessary about allowing a majority to prevail. Rule by a majority obtained where it did, he pointed out, by convention and habit, and did not obtain universally on all occasions and for all purposes even where established. And where a majority does rule unrestrained, it is capable of great and cruel oppression of minorities.

The people are something else than a majority registered on election day, although by convention and for lack of any other suitable method, we let various majorities, including electoral ones, settle various things in various contexts on various occasions. The people begin with "the little platoon we belong to in society," what today we call groups, and they are found in places to which they are attached, in divisions of the country, what we call constituencies, which "have been formed by habit, and not by a sudden jerk of authority"—not by the assembly in Paris dividing France into equal squares, or by a reapportioning federal district judge, one might add, using a computer to so divide a state. No man will ever "glory in belonging to the Chequer No. 71," and yet "public affections," meaning consent to the institutions of government, must begin "in our families . . . pass on to our neighborhoods and our habitual provincial connexions," and so on to the nation. No jet age can change that.

The people then form into parties, under leadership they trust and find natural. Their temper, the temper of both the greater number and weight of them or of significant groups of them, is readily determinable, and no one can long govern against it, except by suppression, which is not government, as Burke remarked when urging conciliation with America. A nation, he said, "is not governed, which is perpetually to be conquered." Widespread dissatisfaction with government does not need the ballot box to express itself—Burke was far from deprecating direct political action, including civil disobedience in cases of necessity—and it must be met and conciliated, even if not shared by a numerical majority of the population, for law cannot deal with it. "I do not know the method," goes one of his most famous sentences, "of drawing up an indictment against an whole people."

Such was the people, as Burke used the term, in place, gathered, led, manifesting its temper in many ways and over a span of time as a people, or as one or another sizable community within the body of the people, not speaking merely on occasion in momentary numerical majorities. The influence of the people, so conceived, must be a dominant one because their consent is essential. That consent may be withdrawn regardless of elections;

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it must be preponderant, not merely majority consent, and is yielded not only and not even chiefly to the electoral verdict, but to institutions validated by time and familiarity and composed from time to time of men who are trusted because they are seen to have "a connexion with the interest . . . the sentiments and opinions of the people."

George III's slogan, "not men, but measures," was pernicious precisely because consent is in large part the consequence of confidence in, and identification with, men. "The laws reach but a little way. Constitute government how you please, infinitely the greater part of it must depend upon the exercise of the powers which are left at large to the prudence and uprightness of ministers of state." Consent will not long be yielded to faceless officials, or to mere servants of one man, who themselves have no "connexion with the interest of the people." In opposing the cant of "not men, but measures," Burke therefore resisted rule by non-party ministers who lacked the confidence of the Commons. By the same token we may today oppose excessive White House staff-government by private men whom Congress never sees. There are substantial differences of degree in the case of an elected executive seeking to control a large, permanent civil service, but it was not for nothing that the American Constitution provided for "executive Departments" and for Senate confirmation of the appointments of great officers of state.

Safeguards against arbitrary power, resistance to total power, assurance of stable government which is responsive and capable of generating long-term consent—these are agnostic objectives. Any true believer will want total power to achieve the true ends of government, and will be a democrat or an authoritarian depending, as Burke said, on which scheme or system he thinks will bring him nearer to total power. But any thorough-going agnostic might well also be a radical democrat, believing that nothing matters and that the merest whim of the majority is as good a guide to social action as anything else; and perhaps this is simply another form of true belief, like reliance on astrology or oracles. In any case Burke was neither a true believer nor a thorough-going agnostic. He was a Christian, and if anything something of a mystic, but no ideologue.

True believers—though not Christians—theorists and ideologues made the French Revolution, and for Burke a politics of theory and ideology, of abstract, absolute ideas was an abomination, whether the idea was the right of the British Parliament to tax the American colonies or the rights of man. Such a politics cannot work as politics. It begins and ends by sacrificing peace, and it must proceed from one bloodbath to another, and from one tyranny to another. Ideas are the inventions of men and are as arbitrary as their will. The business of politics is not with theory and ideology but with accommodation.

"All government, indeed every human benefit and enjoyment," Burke said in 1775 in urging conciliation with America, "every virtue, and every prudent act, is founded on compromise and barter. We balance inconveniences; we give and take; we remit some rights, that we may enjoy others; and we choose rather to be happy citizens, than subtle disputants." He would not enter into "distinctions of rights . . . these metaphysical distinctions; I hate the very sound of them." They were, he found later, what the French Revolution was about. These revolutionaries build their politics, he wrote in the *Appeal from the New to the Old Whigs*, a year after the *Reflections*, "not on convenience but on truth; and they profess to conduct men to a certain happiness by the assertion of their undoubted rights. With them there is no compromise. . . . Their principles always go to the extreme."

The presumption, the arrogance of these Frenchmen's assurance in their new discovery appalled Burke. Those "rights of man" were an invitation to another round of religious wars and persecutions, not likely to be any the less fanatical or bloody for the irreligiousness of the new dogma. "The foundation of government is . . . not in imaginary rights of men," Burke argued, "but in political convenience, and in human nature. . . ." Government thus stops short "of some hazardous or ambiguous excellence," but it is the better for it.

Men do have rights, Burke wrote in

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the *Reflections*, but as civil society is made for the advantage of man, "all the advantages for which it is made become his right." The rights of man, this is to say, have no independent, theoretical existence. They do not preexist and condition civil society. They are in their totality the right to decent, wise, just, responsive, stable government in the circumstances of a given time and place. Under such a government, a partnership Burke calls it, "the restraints on men, as well as their liberties, are to be reckoned among their rights," and "all men have equal rights, but not to equal things," since a leveling egalitarianism which does not reward merit and ability is harmful to all and is unjust as well.

Civil society is a creature of its past, of "a great mysterious incorporation," and of an evolution which in improving never produces anything "wholly new," and in conserving never retains anything "wholly obsolete." It may malfunction—the English constitution did in 1688—and then drastic measures may be called for to restore it to its true self, but that true self ought never be altered, and certainly society ought never be uprooted, never be razed to the ground and replaced with some wholly new construct. This passionately held faith and his deprecation of the rights of man form the basis of Burke's reputation as the purveyor of a conservative doctrine unfit for modern consumption, as the last apologist for an oppressive social order now long dead and unlamented, as an obscurantist reactionary, an opponent not only of humanitarian reform, but of reason itself.

The conservative reputation does not fit the Whig of the 1770s and '80s, to be sure, the advocate of consent and limited power, the friend of the American Revolution, or even the critic of the totalitarian tendencies of the French Revolution. But Burke's contemporary adversaries and his later detractors resolve the contradiction by accusing him of having abandoned his earlier convictions. He got frightened, he got old, his sympathy dried up, he went Tory, perhaps he was not even altogether of sound mind. John Morley's opinion, however—and Morley was critical of much in the *Reflections*—was that Burke "changed his front, but he never changed his ground," and this opinion can be shown to be correct. The same principles, the same "uniform scheme and rule of life" that informed the earlier Whig animated the author of the *Reflections*. The latter work is, therefore, not to be so simply rejected. "Fly from the French Revolution," Burke cried in Parliament in 1791. The liberal tradition did not fly from the revolution. It fled from Burke instead, and that was a mistake.

Of course there are moments in the *Reflections* that are nothing but sterile reaction. There is the passage that Tom Paine tellingly picked up in which Burke makes love to Marie Antoinette, that "Roman matron," and laments that "the age of chivalry is gone . . . gone—that . . . charity of honor which felt a stain like a wound . . . which ennobled whatever it touched, and under which vice itself lost half its evil by losing all its grossness." With this passage, says Sir Philip Magnus, "the Romantic Movement in English literature had begun," which is certainly too bad. But even here Burke exaggerates a valid point, namely that manners, civility, certain forms and standards of behavior, what he calls the "public affections," are founded in custom and are all easily exploded by a shallow reason. They are nothing but "pleasing illusions which make power gentle and obedience liberal"; they are "the decent drapery of life." But without them society and government are brutal, conflict is naked. It is all too easy and it is fatal to keep tearing them off until not only is a king merely a man and a queen just a woman, but also "a woman is but an animal, and an animal not of the highest order."

Again there is the passage where we are told that the poor must be trained to obedience and labor, "and when they find, as they commonly do, the success disproportioned to the endeavor, they must be taught their consolation in the final proportions of eternal justice." Not an edifying sentence. But Burke had a social conscience, if a perplexed one. He puzzled, with feeling, over how to rescue people doomed to "servile, degrading, unseemly, unmanly . . . unwholesome . . . pestiferous occupations," but asked, "What is the use of discussing a man's abstract right to food or medicine? The question is upon the method of procuring and administering them." And yet again Burke surely treated much too lightly the abuses of the French monarchy, aristocracy and clergy, and the misery they bred. France needed a revolution, if anything more than England in 1688 or America in 1776, though not the one it got, and Burke should have seen this. Nor, finally, was Burke without his share of anti-Semitism, though it was of a variety that barely rises to the notice of anyone who has lived through the first half of the 20th century.

But all this cannot on any fair reading be taken as central to the *Reflections*, and much will be missed by those who do so take it. First there is in the worst, as it might be viewed, of Burke's so-called conservatism a powerful realism that any political thought denies or ignores at its peril. You cannot start from scratch, he maintained, and expect to produce anything but a continual round of chaos and tyranny, until you return to the remnants of what you sought to destroy. Perfection is unlikely in human contrivances, and so the professed purpose of any scheme that attempts to start fresh will be defeated. The old vices tend to reappear in new institutions, if their causes have not been attacked, but only their outward manifestations, which were the old institutions. Meanwhile the price has been paid of teaching men to yield as little respect to new institutions as was shown for the old, and in a continual round of change, men unmoored from their past "become little better than the flies of summer." Even in pursuit of the most radical reforming ends, it is, moreover, simple practical common sense "to make the most of the existing materials." A politician, Burke lectured, contemplating in sheer unbelieving wonder the destruction of the church in France and the confiscation and dismantling of productive church property, a politician, "to do great things, looks for a *power*, what our workmen call a *purchase*." Here, in the church, were revenues, here was a bureaucracy. To destroy all this and scatter it rather than to use it seemed to Burke the height of stupidity—and subsequent French history proved him right. In the same spirit, reading Condorcet's dictum that the American Constitution "had not grown, but was planned," that it had taken no weight from the centuries but was put together mechanically in a few years, John Adams commented in the margin: "Fool! Fool!"

Continuity—a practical necessity, if nothing else—was for Burke the principle of reform, not of opposition to it. Even revolutionary reform, as in England in 1688 and in America a century later, might be called for by a "grave and overruling necessity," in order to conserve by correcting. But the science of government is practical and intended for practical purposes. Cause and effect are most often obscure, and it is, therefore, "with infinite caution that any man ought to venture upon pulling

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down an edifice which has answered in any tolerable degree for ages the common purposes of society." This is conservatism, no doubt, but what is behind it is not wish, or tired old age, or romantic delusion, or moral obtuseness, or class interest, but good practical wisdom.

Burke's conservatism, however, served another purpose as well. In order to survive, be coherent and stable and answer to men's wants, a civil society had to rest on a foundation of moral values. Else it degenerated—if an oligarchy, into interest government, a government of jobbers enriching themselves and their friends, and ended in revolution; or if a full democracy, into a mindless, shameless thing, freely oppressing various minorities and ruining itself. Burke's pragmatism, strong as it is, did not go the length of taking mind out of politics. Metaphysics, yes; mind and values, no. But where are a society's values to be found? In theory? Metaphysics, abstract rights would always clash with men's needs and their natures, and with various unforeseeable contingencies.

Theories were not fit to live with, and any attempt to impose them would breed conflict, not responsive government enjoying the consent of the governed. The rights of man cannot be established by any theoretical definition; they are "in balances between differences of good, in compromises sometimes between good and evil, and sometimes between evil and evil. Political reason is a computing principle: adding, subtracting, multiplying, and dividing, morally and not metaphysically, or mathematically, true moral denominations." The visions of good and evil, the denominations to be computed—these a society draws from its past and without them it dies. Burke was strong for the union of church and state, since he viewed religion as a major source of the values that held a society together. He even praised, on the same score, the ancient prejudices of the people, using the word in a somewhat different sense than we do, and warned against exchanging the people's old superstitions—"the religion of feeble minds"—for new.

For many millions of us, organized religion no longer plays the role Burke assigned to it, and we want nothing of superstition and prejudice. Burke may have regretted the Enlightenment, but it did occur. The Age of Reason continues, if not quite as pretentiously and self-confidently as it began. Precisely for that reason, however, the problem to which Burke spoke is even more acute for us. A valueless politics and valueless institutions are shameful and shameless, and what is more, man's nature is such that he finds them, and life with and under them, insupportable. Doctrinaire theories of the rights of man, on the other hand, serve us no better than Burke thought they would. The computing principle is still all we can resort to, and we always return to it following some luxuriant outburst of theory in the Supreme Court, whether the theory is of an absolute right to contract, or to speak, or to stand mute, or to be private. We find our visions of good and evil and the denominations we compute where Burke told us to look, in the experience of the past, in our tradition, in the secular religion of the American republic. The only abiding thing, as Brandeis used to repeat, and as Burke might not have denied, is change, but the past should control it, or at least its pace. We hold to the values of the past provisionally only, in the knowledge that they will change, but we hold to them as guides.

This is not, as Holmes once remarked, a duty, it is a necessity. How else are we to know anything? What is the use of empty "rationalists," such as were discovered at many a university some years ago, who being confronted with various demands for instant change, found that they believed nothing and could not judge any change as better or worse than another? They drove the very seekers after change up the wall in frustration. Nobody wants everybody not to believe in anything. And who wants politicians who, as Burke said, "see no merit or demerit in any man, or any action, or any political principle" except in terms of a desired political end, and who "therefore take up, one day, the most violent and stretched prerogative, and another time the wildest democratic ideas of freedom, and pass from one to the other. . . ."

Our problem, as much as Burke's, is that we cannot govern, and should not, in submission to the dictates of abstract theories, and that we cannot live, much less govern, without some "uniform rule and scheme of life," without principles, however provisionally and skeptically held. Burke's conservatism, if that is what it was, which at any rate belongs to the liberal tradition, properly understood and translated to our time, is the way.

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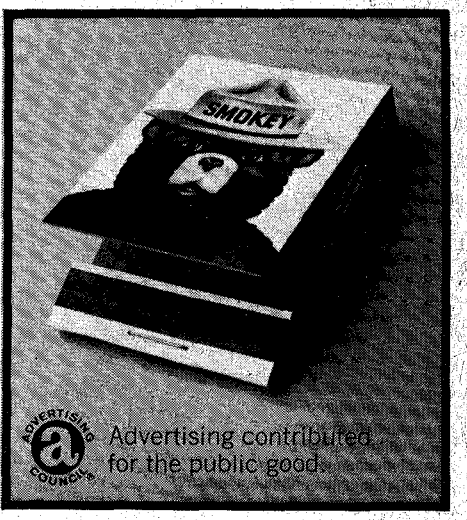

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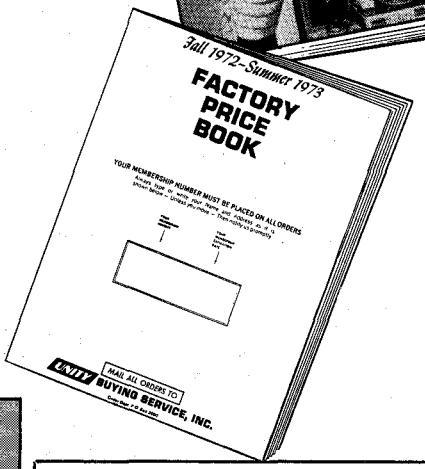

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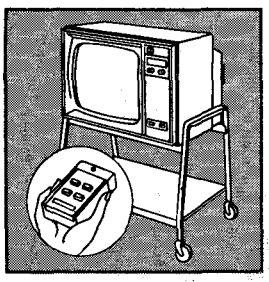

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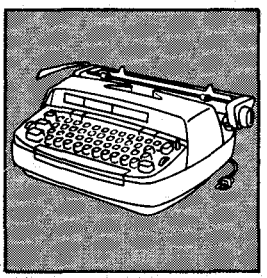

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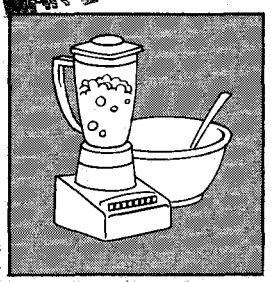

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